

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.291 of 2014

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Ankesh Kumar Singh, Secretary, Ram Sevak Seva Sansthan S/O Sri Ram Sevak Singh, Residence of Village- Supaul, P.S- Patori, Distt- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Old Secretariat, Patna.
2. The Director General of Bihar, Old Secretariat, Patna.
3. The Superintendent of Police, Samastipur.
4. The Deputy Superintendent of Police, Patori, Sub- Division, Distt- Samastipur.
5. The Thana- in- charge, Patori Thana, Patori, Samastipur.
6. The Police, Sub- Inspector-cum-investigating Officer, Patori, Thana, Distt- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Verma, Advocate

For the Respondent/s : Mr. Rakesh Kumar Sharma, A.C. to G.P.-27

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-01-2015 In the present application under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner in paragraph no.1 is as under.:-

“That this is an application praying for the issuance of a writ in the nature of a writ of mandamus or any appropriate writ, order or directions commanding the Respondents to give direction to the Respondents entrust the investigation to Criminal Investigation Department, Patna, Because Respondents have not investigated the case fairly and fastly.”

In paragraph 4 of the application the petitioner has made the following averments:-

“4. That there is series of litigation between the parties such as (1) Patori P.S.Case No.355/2013 dated 13.10.2013 u/s 341, 323, 379, 504, 506/34 IPC filed by the petitioner (2) Patori P.S.Case No.285/2013 dated 08.09.2013 u/s 341, 332, 379, 354/34 IPC filed by the Kushwaha Caste against Paswan Caste, (3) Patori P.S.Case No.286/2013 dated 08.09.2013 u/s 147, 146, 149, 447, 435, 504, 505 IPC filed by Kushwaha Caste against Paswan Caste, (4) Patori P.S.Case No.369/2013 u/s 147, 148, 149, 323, 324, 307, 319 and 506 IPC filed by Kushwaha Caste against Paswan Caste, (5) Patori P.S.Case No.370/2013 u/s 341, 323, 354, 379, 504/34 IPC and 3 SC/ST Act by Paswan Caste against the petitioner, (6) Patori P.S.Case No.354/2013 u/s 341, 323, 354, 379, 504/34 IPC and 3(x) SC/ST Act filed by Paswan Caste against the petitioner.”

A vague allegation has been made in the application that the cases are not being investigated properly by the investigating officers of the case and, hence, the cases to be handed over to the C.I.D. for investigation. Apparently, the petitioner is an accused in some of the cases whereas he is informant in some other cases. It

is well settled that neither an accused nor an informant has a right to choose the investigating agency. They cannot even dictate the manner in which an investigation of a cognizable offence has to be carried out.

In view of the above, I find no merit in the present application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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