

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.545 of 2014

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1. Geeta Devi Wife of Late Mangal Yadav Resident of village- Kaliganj,
P.S.- Bihta, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar, Through Director General of Police Government of Bihar, Patna
2. The Deputy Secretary null Department of Home (Police) Government of Bihar, Patna
3. The Senior Superintendent of Police Patna, District- Patna
4. The Superintendent of Police (Rural) Patna
5. The Sub- Divisional Police officer Danapur, District- Patna
6. The Station House officer Bihta Police Station, District- Patna
7. The Investigating officer (S.I. Sri Rakesh Kumar Raushan) Bihta Police Station, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Respondent/s : Mr. Binod Jee Verma(Gp-17)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-03-2015 A counter affidavit has been filed on behalf of

the State. Let it be kept on record.

The petitioner is informant of Bihata P.S. Case

No. 244 of 2014

This application has been filed at the stage of

investigation. The prayer of the petitioner in this case is to direct

the investigating officer to conduct the investigation in fair and

impartial manner as well as to record the further statement of

informant and statement of witnesses' for the prosecution.



Learned counsel for the petitioner submits that the investigation of the case is not being conducted in a fair and impartial manner. He submits that the police have failed to record the subsequent statement of the informant and in course of investigation they have not even recorded the statement of some important witnesses.

Learned counsel for the State submitted that the first information report named accused persons Anil Yadav and Shekhar Yadav have already been arrested and on conclusion of investigation the police has submitted charge sheet against them. So far as other accused persons are concerned, the investigation is going on. He has submitted that investigation of the case is being conducted in a fair and impartial manner. The statements of informant and witnesses have already been recorded and there is nothing on record on the basis of which it can be said that the investigation of the case is tainted.

Be that as it may, to hold investigation into a cognizable offence, the statutory right of the police. Once the investigation is over, the role of Magistrate begins. The Magistrate dealing with the matter may accept the police report or differ with the same. On the basis of material collected in the course of investigation. In case the magistrate is not satisfied, he

may also direct the police for further investigation in terms of section 173(8) Cr.P.C. Since so many statutory remedies are available to the petitioner, I am not inclined to entertain this application under Articles 226 and 227 of the Constitution of India. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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