

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.142 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- KHAGARIA

Chandrakala Devi, wife of late Jawahar Gupta, resident of village-Dhotauli, P.S.-
Chautham, District -Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Human Affairs,
Government of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bhagalpur.
4. The District Inspector General of Police, Munger.
5. The Supdt. of Police, Khagaria.
6. The Dy. Supdt. of Police, Chautam, Khagaria.
7. The Station House Officer, Chautam, P.S. Khagaria.
8. The Investigation Officer, Chautham, P.S. Khagaria.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-21

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-08-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

By way of filing an application under Articles 226 and
227 of the Constitution of India, the petitioner seeks a direction to
be issued to the respondent authorities to arrest the accused persons

named in the first information report of Chautham P.S. Case No. 103 of 2014.

It is contended that the police is not conducting investigation of the case in a proper manner as a result of which the accused persons are emboldened and they are harassing the petitioner and her daughters.

A counter affidavit has been filed on behalf of the State. It is submitted on behalf of the State that in course of investigation out of the nine accused named in the FIR, four were found to be innocent. Out of the remaining five, the police could apprehend three suspects. They were produced before the court and remanded to judicial custody. On completion of investigation, charge-sheet has also been submitted against them. In respect of two other absconding accused, investigation of the case going on. All steps are being taken by the investigating agency to nab those two criminals but till date they could not be apprehended.

It is further submitted that prosecution is taking all steps to get the trial conducted as early as possible and there is no truth behind the allegation that the investigating agency is in any manner in collusion with the accused persons. There is no complaint in respect of any threat being given to the petitioner of the case by the accused persons. He undertakes that in case any report in this regard

would be made, the investigating agency would certainly take immediate steps to redress the grievance of the petitioner.

Having heard the parties, I see no reason to disbelieve the statements made by the learned counsel for the State. It is well settled that investigation of a cognizable offence is the exclusive right of the police. At this stage, in my opinion, it would not be proper for this Court, to record its finding in one way or the other. However, the investigating agency must complete its investigation as early as possible and submit its report to the court of magistrate so that steps may be taken to conclude the trial at the earliest.

With these observations, the application is disposed of.

(Ashwani Kumar Singh, J.)

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