

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1008 of 2014

Arising Out of PS.Case No. -38 Year- 2012 Thana -Katra District- MUZAFFARPUR

=====

1. Mangal Das Son of Late Mahindar Das R/o Village-Changel, P.S.-Katra, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through Home Secretary, New Secretariat, Patna
2. The Director, General of Police, Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Deputy Superintendent of Police, East Muzaffarpur.
7. The Officer Incharge, Katra Police Station.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

Mr. Pramod Kumar Singh, Adv.

For the Respondent/s : Mr. Pramod Kumar Sinha, A.C. to AAG-2

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-04-2015

The son of the petitioner has been made named accused in Katra P.S.Case No. 38 of 2012 registered under sections 376 and 302 read with 34 of the Indian Penal Code. It is a case in which daughter of the informant was gang raped and killed by eight persons. Till date the petitioner's son, namely, Amarjit Das is evading arrest. In course of investigation, the police could apprehend one of the miscreants, namely, Sakal Das and on completion of investigation charge sheet has already been submitted against him whereas the investigation has been kept open in respect of the other accused

persons.

In the present application filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction from this Court to be issued to the respondent authorities to hand over the investigation of the case to the C.B.I. or C.I.D. as the investigating agency, which is conducting the investigation, is not carrying out the investigation in a proper, fair and impartial manner.

In my view, the application is thoroughly misconceived. An accused, who is evading arrest, has no right to seek change of the investigating agency. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--