

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.277 of 2015

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Chhabila Yadav @ Chhabala Yadav, Son of Deba Yadav, resident of
Village - Lakhaura, Police Station-Chanpatiya, District-West Champaran.

.... Petitioner

Versus

1. The State of Bihar
 2. The Director General Police, Patna, Bihar
 3. The Inspector General of Police, Range Muzaffarpur.
 4. The Superintendent of Police, West Champaran, Bettiah
 5. The Officer in Charge, Chanpatiya, West Champaran, Bettiah.
 6. Bharat Yadav, Son of Late Nathuni Yadav
 7. Amerika Yadav Son of Bachchan Yadav
- All resident of Village- Lakhaura, P.O.-Jadochhapar, Police Station-
Chanpatiya, District West Champaran, Bettiah
8. Rajesh Yadav, Son of Algu Yadav, resident of Village - Senuariya,
Police Station- Sirisiya, District-West Champaran..

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate
For the Respondent/s : Mr. Santosh Kr. Jha, GP-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-12-2015

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

By way of the present application under Articles
226 & 227 of the Constitution of India, the petitioner seeks a
direction to be issued to the respondents to arrest the named
accused persons in connection with Chanpatiya P.S. Case No.
401/2013 registered under Sections 302 read with 34 and 201 of
the Indian Penal Code.

It has been pointed out by the learned counsel for the State that so far as the death of the boy mentioned in the FIR is concerned, the same had taken place due to asphyxia caused by drowning. The matter was investigated upon and, on completion of investigation, the investigating officer of the case has already submitted final report as mistake of fact in the police case as back as on 23.06.2014. He has contended that the present application has been filed after submission of the final form on 30th March, 2015 suppressing the fact that investigation has already culminated in filing a police report under Section 173(2) Cr. P.C. in the court of Magistrate long back.

Regard being had to the submissions made at the Bar, I find no merit in this application. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J.)

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