

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1126 of 2014

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

Ramesh Prasad Singh S/o Late Ram Nagina Singh, Resident of Village- Bishanpur
Beri, P.S.- Mohiuddinnagar, District- Samastipur

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Darbhanga Range, Darbhanga at Laheriasarai
4. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga at Laheriasarai
5. The Superintendent of Police, Samastipur
6. The Deputy Superintendent of Police, Samastipur
7. The S.H.O. Samastipur Muffasil Police Station, Samastipur
8. The Manoj Kumar S/o Not Known, at present posted as Sub Inspector Samastipur Muffasil, District- Samastipur
9. Jagarnath Choudhary S/o Not Known, Resident of village Bhuidhara, P.S. Samastipur Muffasil, District- Samastipur
10. Amaranth Singh S/o Not Known, Resident of village Bhuidhara, P.S. Samastipur Muffasil, District- Samastipur

.... Respondents

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Rajesh Singh, GP-16.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-08-2015

Heard learned counsel for the petitioner and learned

counsel for the State.

In compliance with the order dated 27.07.2015, the Superintendent of Police, Samastipur has filed a personal affidavit with regard to the action he has taken in the matter and the progress made in the action he has initiated against the delinquent.

It has been contended in the affidavit that for the lapses on the part of investigating officer of the case, he has been put under suspension vide District Order No. 1512/2015 dated 24.07.2015 and after passing the order of suspension, disciplinary action has been taken and charges have been framed against him through memo No. 4999 dated 24.07.2015. For conducting inquiry into the charges, an inquiry officer has already been appointed and the Sub-divisional Police Officer Patori is inquiring into the charges framed against the investigating officer of the case.

Regard being had to the facts and circumstances of the case, I am satisfied with the action taken by the Superintendent of Police, Samastipur.

Coming back to the merit of the present case, by filing this application under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a direction to the respondents to arrest the respondent nos. 9 and 10 who have been made named accused in Muffasil P.S. Case No. 402 of 2014.

It has been contended by the learned counsel for the State that in course of investigation respondent no. 9 was arrested and presently he is in judicial custody. So far as respondent No. 10 is concerned, the stand of the State is that the investigation against him is going on and in case, his culpability in the matter would be found appropriate legal action would be taken against him in due course.

Having regard to the facts and circumstances of the case, I am of the opinion that no further action is required to be taken in this matter by this Court. It is well settled that investigation of a case is the exclusive domain of police and at this stage, the Court has no role to play.

Accordingly, I am not inclined to entertain this application. The application is dismissed.

(Ashwani Kumar Singh, J.)

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