

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.975 of 2015

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

Brahma Nand Shah, S/o Late Ganesh Sah, Resident of Village- Yadubans Nagar,
P.S.-Chas, District- Bokaro (Jharkhand). Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Katihar, Bihar.
4. The Officer-in-Charge, Korha Police Station, Katihar.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Obaidullah, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-10-2015

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

2. The petitioner is informant of Korha P.S. Case No.
114/2015 dated 10.07.2015 registered under Sections 306, 201 and
120-B of the Indian Penal Code. Subsequently, Section 302 of the
Indian Penal Code has also been added in the FIR at the request of
the investigating officer of the case.

3. The petitioner seeks a direction to be issued to the
respondents to conduct fair investigation and delete the name of
accused persons who are in custody and submit final form against

them.

4. The petitioner is aggrieved by the manner in which investigation of the case is being carried out.

5. Learned counsel for the petitioner submits that the FIR named accused Manoj Rishi has not been apprehended till date, and, in course of investigation, the investigating agency has apprehended the in-laws of the deceased daughter of the informant.

6. In my view, the application is thoroughly misconceived. To hold investigation into a cognizable offence is the statutory right of police. At this stage, neither the accused nor the informant can direct the investigating agency to conduct investigation into a cognizable offence in a particular manner. There is nothing on record on the basis of which it can be presumed that the investigation is misdirected or is not being done in a fair and impartial manner.

7. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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