

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.35 of 2014

=====

1. Md. Kaushar Ali @ Kaushar Ali S/O Nasir Mian Resident of Village-
Sirsiya, P.S- Adapur, District- East Champaran, Motihari.
2. Ramjee Patel S/O Jang Bahadur Raut Resident of Ithar Belahi, Distt-
Bara, Nepal
3. Chhathu Das S/O Shankar Das Resident of Khagaria District-Bela,
(Nepal)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Director General of Police, Bihar Patna.
3. D.I.G. Railway, Patna, Bihar.
4. A.D.J. Railway Police, Patna.
5. S.P. Railway Police, Muzaffarpur, Bihar.
6. Dy. S.P. Railway, Bettiah, West Champaran, Bihar.
7. Officer in Charge, G.R.P/ Railway Police, Raxaul, East Champaran.
8. Office in Charge, G.R.P. Railway, Sugauli, East Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. U. S. Verma, Adv.

For the Respondent/s : Mr. Vijay Bharti, A.C. to SC-26

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-02-2015 The prayer of the petitioner in the present

application filed under Articles 226 and 227 of the Constitution of

India in paragraph 1 are as under :-

“1. A writ in the nature of mandamus or any
appropriate writ(s), order(s), direction(s) to the
respondents for the following reliefs :-

- (i) To protect the life and property of the
petitioners granted under Constitution of India
from the action of the respondents police who
intensively harassing the petitioners are
witnesses in Railway P.S.Case No. 012/12
registered under Section 302/34 I.P.C. and 27
of the Arms Act, murder of one Shankar Ram
Servant of the informant.
- (ii) To direct the respondents to investigate the
case not arrested the petitioners on suspect
where as the respondent police is not taking any
action against culprits and detained the witness

is not permissible in the eye of law, In fact as yet the police arrested suspected persons by making false allegation is not permissible under the Act.

- (iii) To restrain the respondent not to take any coercive steps against the petitioners at the time of interrogation.
- (iv) To holds the protest petition filed before the Railway Magistrate, Bettiah, West Champaran dated 17.11.2012/ 24.11.2012 prayed to enquire the matter property and direct to the Railway Police to arrest of the culprits than the Magistrate send matter for further enquiry to the Railway Police, Raxaul for action but inspite of that the main culprits are moving freely and threatened the petitioners.
- (v) To any other relief/reliefs the petitioner is entitled too.”

The petitioner is neither the informant nor the accused named in the First Information Report in respect of Railway P.S.Case No. 12 of 2012. He is a stranger to the case. The case is under investigation. To hold investigation into a cognizable offence is the statutory right of the police. The stranger to the case has no right to appear before the Court and seek the nature of relief as sought for in the present application.

In that view of the matter, I find no merit in the present application. The writ petition is accordingly dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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