

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.278 of 2014

Arising Out of PS.Case No. -154 Year- 2012l Thana -Sultanganj District- PATNA

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Mohan Yadav, S/O Late Ram Chandra Yadav, resident of Mohalla- Mauar Lane,
P.S. Sultanganj, District- Patna Petitioner/s

Versus

1. The State of Bihar
 2. Director General of Police, Police Head Quarter, Old secretariat, Patna
 3. Senior Superintendent of Police, North Gandhi Maidan, Patna
 4. S.H.O. of Sultanganj Police Station, Patna. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ram Narayan Singh, Adv.

For the Respondent/s : Mr. Rajiv Roy, GP 5

Mr. Arun Kumar, A.C. to GP 5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-01-2015

The petitioner's son, namely, Sanni Kumar was brutally assaulted for which Sultanganj P.S.Case No. 154 of 2012 dated 4th October, 2012 was initially registered under sections 147, 148, 149, 341, 307 of the Indian Penal Code and section 27 of the Arms Act against altogether 8 named accused persons on the basis of fardbeyan of the injured Sunni Kumar himself. In course of treatment, son of the petitioner died, after which section 302 of the Indian Penal Code was also added in the F.I.R.

The grievance of the petitioner is that apart from the persons named in the F.I.R. one Arvind was also involved in commission of the crime. By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a direction upon the respondents to investigate

the complicity of the said Arvind, who, according to the petitioner, was also involved in the crime.

Learned counsel for the State has submitted that the police have conducted the investigation of the case in a fair and impartial manner and on conclusion of investigation charge-sheet has already been submitted in the court on 12th January, 2013. All the accused persons named in the F.I.R. have been sent up for trial. The involvement or complicity of the so called Arvind was not found true in course of investigation.

Having regard to the facts and circumstances of the case, I find no merit in the present application. To hold investigation into a criminal case is the statutory duty of the police, The informant of the case cannot dictate the manner in which an investigation has to be conducted. Moreover, once the police report is submitted in the court under section 173 of the Code of Criminal Procedure, it is for the Magistrate to consider the police report and pass appropriate order in accordance with law.

The application being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J)

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