

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.626 of 2014

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1. Nawal Kishore Bhagat @ Nawal Bhagat Son of Tiju Bhagat @ Abhay Nandan resident of Village AND P.O. Ainkhan, P.S. Dulhin Bazar, District - Patna.
 2. Anil Kumar alias Anil Yadav Son of Mahendra Yadav resident of Village Azad Nagar (Harpura), P.S. Dulhin Bazar, District - Patna.
 3. Hira Prasad Verma Son of Late Chandra Mahto resident of Village Ainkhan, P.S. Dulhin Bazar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police (Law and Order), Bihar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police (Rural), Patna.
6. The Sub-Divisional Police Officer, Paliganj.
7. Sri Ashok Kumar son of name not known the then Deputy Superintendent of Police, Paliganj, Patna.
8. The Deputy Superintendent of Police, Paliganj, Patna.
9. Sri Abhay Kumar son of name not known the then Officer-in-Charge, Dulhin Bazar Police Station, Dulhin Bazar, District - Patna.
10. The Officer-in-Charge, Dulhin Bazar Police Station, Dulhin Bazar, District - Patna.
11. Sri Shailesh Kumar son of name not known A.S.I. the then I.O. Dulhin Bazar Police Station, Dulhin Bazar, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amitesh Kumar, Adv.

For the Respondent/s : Mr. Raj Nandan Prasad(Sc-9)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-02-2015 The petitioners have been made accused in Dulhin Bazar P.S.Case No. 103 of 2012 and 174 of 2012. They have filed the present application under Articles 226 and 227 of the Constitution of India seeking a direction to be issued upon the respondents to constitute a high level enquiry into false implication of the petitioners in the aforesaid two cases.

It has been pleaded that the petitioners are being implicated in the false cases at the behest of one Brajendra Dhari Singh, who is a powerful and influential person. The petitioners are highlighting the issue of their false implication before the higher authorities of police also but no proper enquiry into the matter has been conducted so far.

Be that as it may, to hold investigation into a cognizable offence is the statutory right of the police. It is well settled that the accused of a case does not have any right to set the manner in which the investigation ought to be conducted. At this stage, even the Court has no role to play. The probable defence of the accused has to be considered by the investigating agency in course of investigation.

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

(Ashwani Kumar Singh, J)

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