

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1243 of 2014

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

1. Anurag Kumar son of Late Arun Kumar Tripathi Resident of Mohalla Engineering Club Campus Quarter No. 01 Lodipur, Budh Marg, p.s. Kotwali, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The D.G.P., Bihar, Patna.
3. The Superintendent of Police, Patna.
4. The Dy. S.P. Patna.
5. The S.H.O. Rupaspur, P.S. Patna.

.... Respondent/s

Appearance :

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

For the Respondent/s : Mr. Uma Shankar, GP-4

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.

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondent nos. 3 and 4 to conclude the investigation of Rupaspur P.S.Case No. 161 of 2014 registered under sections 302 and 201 read with 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is the informant of the case and investigation of the case is not being done in a fair and impartial manner. He further submits that till date several accused persons named in the FIR have not been

apprehended.

On the other hand, learned counsel for the State has submitted that the respondents are investigating the case with utmost seriousness inasmuch as the Superintendent of Police in his supervision has found the case to be true against accused Sunil Kumar Ojha and accordingly charge sheet has been submitted against him vide charge sheet no. 152/14 dated 31.10.2014. He further submits that the Superintendent of Police, Patna West has directed for conclusion of investigation against other accused persons. As far as the main accused Sunil Kumar Ojha is concerned, he was arrested by the police but has been released on bail vide order dated 09.02.2015 passed in Cr.Misc. No. 3078 of 2015 by a Bench of this Court and other accused persons have been released on anticipatory bail by the learned Sessions Judge, Patna.

I have heard respective counsel for the parties. In my view, as the matter is under investigation, it would not be proper for this Court to come to any finding of fact. It is well settled that at the stage of investigation the court has no role to play.

In that view of the matter, I find no merit in this application. Accordingly, the application is disposed of.

(Ashwani Kumar Singh, J)

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