

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.984 of 2014

Arising Out of PS.Case No. -565 Year- 2013 Thana -Kotwali District- PATNA

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1. Rajeev Ranjan Kumar Son of Ram Charitra Prasad Resident of Mohalla -
Adiwasi Colony, Ashok Vihar, P.S. - Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Govt. of Bihar, Patna.
3. Inspector General of Police, Patna Division, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Deputy Superintendent of Police, Patna Sadar, Patna.
6. The Officer Incharge-cum-Investigating Officer, Kotwali Police Station, Patna.

.... Respondent/s

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Appearance :

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

Mr. Shivjee Singh, Adv.

For the Respondent/s : Mr. Saroj Kumar Sharma, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-03-2015

The petitioner is informant of Kotwali P.S.Case No.565 of 2013 dated 18.09.2013 registered under section 366 of the Indian Penal Code. In the aforesaid police case, one Prashant Pandey and Mintu Kumar were made named accused. In course of investigation, the police apprehended the main accused Prashant Pandey and produced him before the court. He was remanded to judicial custody by order passed by the learned Chief judicial Magistrate, Patna on 8th October, 2013. On conclusion of investigation, the police submitted charge sheet no. 693 of 2013 on 30th November, 2013 against the apprehended accused Prashant Pandey for the offences punishable

under sections 366 and 379 with the aid of 34 of the Indian Penal Code and kept the investigation open so far as another accused Mintu Kumar is concerned.

In this application filed under Articles 226 and 227 of the Constitution of India, a prayer has been made to direct the respondents to ensure arrest of the F.I.R. named accused, namely, Mintu Kumar and one Bipin Kumar, whose name surfaced in course of investigation.

Learned counsel for the petitioner has submitted that in course of investigation the victim was recovered and in her statement recorded under section 164 of the Code of Criminal Procedure, apart from the charge sheeted accused Prashant Pandey, she has named Mintu Kumar and Bipin Kumar as the persons who were involved in abducting her. He has submitted that due to inaction on the part of the police, aforesaid two persons are roaming free.

On the other hand, learned counsel for the State has contested the matter. He has submitted that apparently no prima facie evidence could be found as against the two accused persons, whose arrest is being sought for by the petitioner in the present writ petition, and, as the case is still under investigation, it would not be proper for this Court to issue any direction to apprehend those two accused persons.

Regard being had to the facts and circumstances of the case, I am of the considered opinion that in course of pending investigation of a police case, the Court has no role to play. Once, the investigating agency conclude the investigation and submit its report, it would be for the Magistrate concerned to pass appropriate orders in accordance with law on the basis of outcome of investigation.

In that view of the matter, I am not inclined to entertain the application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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