

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.302 of 2015

Arising Out of PS.Case No. -05 Year- 2015 Thana -Shambhuganj District- BANKA

1. Pravin Kumar Pandey son of Late Ram Narayan Pandey the resident of village-
Salempur, P.S.- Amarpur, Distt- Bhagalpur presently post as agriculture co-
ordinator, Shambhuganj, Banka

.... Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Old Secretariat, Govt. of Bihar,
Patna
2. The Director General of Police, Patna at Bihar
3. The District Magistrate, Banka
4. Senior Superintendent of Police, Banka
5. Deputy Superintendent of Police, Banka
6. District Manager, Bihar State Food Corporation, Banka
7. The Officer in Charge of Shambhuganj Police Station, Distt- Banka

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Respondent/s : Mr. N.H. Khan, SC-16

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 09-02-2016

By the present application preferred under Articles 226
and 227 of the Constitution of India, the petitioner seeks a direction to
be issued to the respondents to conduct the investigation of
Shambhuganj P.S.Case No.05 of 2015 registered under Sections 406,
409 and 420 read with 34 of the Indian Penal Code in true spirit after
adopting the procedure prescribed in the Code of Criminal Procedure
and not in a perfunctory manner.

Admittedly, the petitioner has been made a named
accused in the aforesaid Shambhuganj P.S.Case No.05 of 2015.

It has been contended by the learned counsel for the petitioner that the matter is still under investigation and the investigation is being conducted in a perfunctory manner.

On the other hand, learned counsel for the State has submitted that the contentions made by the learned counsel for the petitioner have no basis. There is nothing on record to suggest that the investigation is not being conducted in a fair and impartial manner.

Be that as it may, taking into consideration the fact that to investigate a cognizable offence is the statutory right of the police and at the stage of investigation neither the accused nor the informant of the case has any right to suggest the manner of investigation, coupled with the fact that nothing has been brought on record to show that the investigation is not being conducted in a proper perspective, I find no merit in this application. The application is accordingly dismissed.

(Ashwani Kumar Singh, J)

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