

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.166 of 2016

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Kaushalya Devi, W/o Late Ajay Kumar Yadav, Resident of Village -
Nimui, P.S.- Sugauli and District - East Champaran at Motihari, at present
residing at Mohalla - Bhawanipur Jirat, P.S. - Chhatauni, District - East
Champaran at Motihari

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Additional Director General, Crime Investigation Department (CID),
Bihar, Patna
4. The Inspector General of Police, Tirhut Range, Muzaffarpur
5. The Deputy Inspector General of Police, Champaran Range, Bettiah,
West Champaran
6. The Superintendent of Police, East Champaran at Motihari
7. The Deputy Superintendent of Police, Motihari
8. The Station House Officer, Police Station- Chhatauni, District- East
Champaran at Motihari
9. The Investigating Officer of Chhatauni P.S. Case No. 69 of 2015

.... Respondent/s

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Appearance:

For the Petitioner/s : Dr. Amrendra Kumar, Advocate.

For the Respondent/s : Mr. Anjani Kumar, AAG 6.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL ORDER

3 09-03-2016 The petitioner asserts that her husband was murdered

on 08.04.2015 and an FIR, being Chhatauni P.S. Case No. 69/15

dated 08.04.2015, was lodged. The investigations have been

entrusted to the CID after the order dated 29.05.2015 passed as per

the directions of Additional Director General of Police, CID.



The grievance of the petitioner is that the investigation by the CID branch of the Police is to help the accused and is in violation of Rules 425 and 1010 of The Bihar Police Manual, 1978. Rule 425 deals with assumption of trial of a case by the Deputy Inspector General, CID on receipt of either the first special report or any subsequent report forwarded to him under Rule 1010. Rule 1010 is the special reports to be submitted in P.M. Form no. 140, and in certain cases telegrams/wireless shall also be submitted in accordance with the instructions given in Appendix 3.

The investigations have been entrusted to the CID by the Superintendent of Police, East Champaran, Motihari on 29.05.2015. Such order has been passed on the basis of the instruction given by the Additional Director General of Police, CID, Bihar.

The entrustment of a case to the CID complies with the requirements of Rule 1010 read with Rule 425. Even if there is any violation of such instructions, that is of no consequence. The Bihar Police Manual, 1978 is a compilation of the instructions. Such instructions are not enforceable in law. They are meant for internal working of the police department. Therefore, even if there is any violation of any of the instructions, the petitioner cannot be

permitted to make a grievance before this Court in a writ application. Consequently, I do not find any merit in the present writ application. The same is dismissed.

(Hemant Gupta, J)

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