

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.177 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -Ramgarhwa District-
EASTCHAMPARAN(MOTIHARI)

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Abbas Ali, Son of Md. Ishaque, Resident of Village –Dumri, P.S. Ramgarhwa,
District East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna
2. The Director General of Police, Bihar Patna.
3. The Superintendent of Police, East Champaran.
4. The Deputy Superintendent of Police, Raxaul, East Champaran .
5. The District Magistrate, East Champaran.
6. Kumar Raushan, Son of Nagendra Prasad Singh, Thana Incharge, Ramgarhwa ,
District- East Champaran.
7. Wakil Ahmad, son of late Dost Mohammad
8. Shahnawaz Zafar, Son of Wakil Ahmad, both Resident of Village Dumri, P.S.
Ramgarhwa, District East Champaran.

.... Respondents

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Appearance :

For the Petitioners : Mr. Khurshid Alam, Advocate.

Mr. M.M. Rab, Advocate.

For the Respondents : Mr. Sanjay Kumar, A.C. to G.A. 5.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 09-03-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner has invoked the writ jurisdiction of this Court for directing the State authorities to get the matter enquired through Judicial inquiry or C.B.I. or any other independent agency other than Bihar Police with regard to false implication of the petitioner in Ramgarhwa P.S. Case No. 58 of 2015 lodged by the Incharge Police Station, Ramgarhwa.

3. Learned counsel for the petitioner admits that pursuant to the aforesaid F.I.R, investigation has since been completed and the matter is pending before the Magistrate.

4. The stand of the petitioner is that the independent witness is in fact at loggerhead with the petitioner having land dispute and that petitioner had made inquiries and in the investigation made by him, it is found from the call details that the witness was in constant touch with the police.

5. I do not find that any further direction can be issued after the filing of the report by the Police. The matter is before the Court. The grievance of the petitioner is in the nature of defence, which he can raise at the appropriate stage during the course of trial but no further investigation can be ordered by this Court at this stage when the matter is before the Court.

6. The writ application is, thus, dismissed.

(Hemant Gupta, J)

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