

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.523 of 2015

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

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Kailash Sah Son of Late Achho Sah Resident of Mohalla- Sarahi, Ward No. 3, P.S.
+ District- Saharsa.

.... Petitioner

Versus

1. The Bihar State of Bihar through the Principal Secretary, Department of Home, Bihar, Patna.
2. The Inspector General of Police, Darbhanga.
3. The Deputy Inspector General of Police, Saharsa.
4. The Superintendent of Police, Saharsa.
5. The Deputy Superintendent of Police, Saharsa.
6. The Station House Officer, Mahila P.S. Saharsa.
7. Kanchan Devi wife of Suman Kumar Jha Resident of Naya Nagar, P.S. Udakishunganj, District- Madhepura, Presently residing at Village- Behta, P.S. Sonbarsa Raj, District- Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Respondent/s : Mr. S. P. Singh, G. A. -7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-02-2016

The petitioner is an accused of Saharsa Mahila P. S. Case
No. 15 of 2015 registered under Sections 341, 323, 376, 511, 379
and 506/34 of the Indian Penal Code.

2. By way of 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 investigate the aforesaid case properly.

3. Unless any cogent material is brought before the Court that the investigation of the case is tainted, all investigations conducted by the police are presumed to be fair and impartial. To hold inquiry into a cognizable offence is the statutory duty of the police and at this stage, the Court has no role to play. Nothing has been brought on record to show that the investigation is not being done properly in the case. By way of the present application, the petitioner is trying to prove his innocence even before the investigation is over. It is well-settled that an accused in a criminal case cannot dictate the manner in which the investigation of a cognizable offence is to be conducted.

4. In that view of the matter, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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