

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.703 of 2015

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

Shambhu Kumar Suman, Son of Sri Bhumi Prasad Yadav @ Bhuneshwari Prasad Yadav @ Bholi Yadav, resident of village-Arraha, P.S.- Saur Bazar, District-Saharsa.

.... Petitioner

Versus

1. The State of Bihar
2. The Inspector General of Police, Darbhanga.
3. The Deputy Inspector General of Police, Koshi Range, Saharsa.
4. The Superintendent of Police, Saharsa.
5. The Union of India through the Commandant, 215, Battalion, Central Reserve Police Force, Malaypur, Jamui, Bihar.
6. The Company Commander, G/215 Battalion, Central Reserve Police Force, Batiya, Jamui (Bihar)
7. The Sub-divisional Police Officer, Saharsa.
8. The Officer-in-charge, Saharsa Sadar Police Station, Saharsa.
9. The Investigation Officer, Saharsa Sadar Police Station, Saharsa.
10. Janardhan Yadav son of Sri Kusum Lal Yadav @ Buchi Yadav, resident of village -Arraha, P.S.- Saur Bazar , District- Saharsa.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Jitendra Kr. Roy-1, Advocate
: Mrs. Usha Kumari Singh, Advocate
For the Respondent-U.O.I: Mr. Shyam Bihari Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-05-2016

The petitioner is one of the named accused in Saharsa

Sadar P.S. Case No. 689 of 2014 dated 08.09.2014 registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

In the present writ petition the petitioner has sought for a direction to be issued to the respondents to investigate as to whether or not the petitioner was present at the place of occurrence on the date of occurrence. The petitioner has further sought for a direction to be issued to the respondents to submit final form against the petitioner if his plea of *alibi* is accepted.

Learned counsel for the petitioner has submitted that to the best of his knowledge, the case against the petitioner is still pending for investigation and the petitioner has already filed a representation before the Superintendent of Police, Saharsa wherein a specific plea has been taken that on the date of occurrence he was not present at the place of occurrence. He has submitted that the plea of *alibi* of the petitioner has yet not been investigated by the police during investigation of the case.

On the other hand, learned counsel for the State has contended that investigation of the case is proceeding in fair and impartial manner and on completion of investigation against some of the named accused persons, police have already submitted charge-sheet and the investigation in respect of some other accused

persons are still going on.

Be that as it may, to hold investigation into cognizable offence is the statutory right of police. At this stage, the court has no role to play. In the opinion of this Court, neither the accused nor the informant of a case has a right to get a case investigated as per his choice. There is no material on record to come to a finding that the investigation is either tainted or biased.

In that view of the matter, I do not find any merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	
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