

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.786 of 2015

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

Pravin Kumar Verma @ Pravin Sah S/o Mahendra Sah R/O- Village- Kusumjori,
P.O.- Fatehpur, P.S.- Chandan O.P., Anandpur, Bhairaganj, District- Banka

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Government of Bihar, Old Secretariat, Patna
3. The Inspector General of Police, Bhagalpur Range, Bhagalpur
4. The Superintendent of Police, Banka
5. The Officer In-charge of Bhairwganj, namely, Rajiv Kumar Ranjan

.... Respondents

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Respondent/s : Mr. D. K. Sinha, AAG-2

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2016

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 hand over investigation of Chandan Anandpur P. S. Case No. 3 /15 dated 11.01.2015 registered under Sections 341, 384, 385, 504 and 506/34 of the Indian Penal Code and Chandan Anandpur P. S. Case No. 23/15 dated 16.03.2015 registered under Sections 341, 323, 308, 504 and 506/34 of the Indian Penal Code and 27 of the Arms

Act to any other police officer than the investigating officer of the case or to the Crime Investigation Department.

2. In my view, the application is misconceived. It is well-settled that investigation of a cognizable offence is the statutory duty of the police. Neither the informant of the case nor the accused can dictate the manner in which the investigation of a case should be conducted. The parties cannot choose the investigating agency of their choice.

3. Admittedly, the petitioner has been made accused in the two cases mentioned hereinabove. There is nothing on record to suggest that the investigation of the case is tainted.

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

(Ashwani Kumar Singh, J.)

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