

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.731 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District-
EASTCHAMPARAN(MOTIHARI)

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Gendawali Devi wife of Motilal Sah (Gound) r,esident of village - Dhanhar Dehuli,
P.S.- Ramgarhwa, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Home (Police), Bihar Patna
 2. The Director General of Police Bihar, Patna
 3. The Inspector General of Police, Zonal Office, Muzaffarpur
 4. The Deputy Inspector General of Police, Zonal office, Bettiah, West Champaran
 5. The District Magistrate, Motihari, East Champaran
 6. The Superintendent of Police, Motihari, East Champaran
 7. The Dy S.P., Raxaul, Motihari, East Champaran
 8. The S.H.O., SC ST, Police Station, Motihari, East Champaran
 9. The S.H.O., Ramgarhwa Police Station, Motihari, East Champaran
 10. Dhru Narayan Kushwaha S/o Late Kawal Prasad Kushwaha
 11. Sarita Devi W/o Dhru Narayan Kushwaha
 12. Himanshu Kushwaha son of Dhru Narayan Kushwaha
 13. Raj Kishore Kushwaha @ Dankan Kushwaha S/o not known
- All resident of village - Bhaluhai, P.S.- Ramgarhwa, District - East
Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Respondent/s : Mr. Ashok Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2016

By way of the present application under Articles 226 and
227 of the Constitution of India, the petitioner seeks a direction to be
issued to the respondents to submit charge-sheet against the accused
persons named in the FIR in SC ST (Motihari) P.S. Case No.87 of
2014 dated 6.8.2014 registered under Sections 341, 323 and 354/34 of
the Indian Penal Code as well as Section 3(1)(x) and (xi) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. To hold investigation into a cognizable offence is the statutory right of the police. At this stage, the court has no role to play.

3. In my considered opinion, simply because a person has been named in the FIR, the Court cannot direct for submission of charge-sheet against him. It always depends on the outcome of the investigation.

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

(Ashwani Kumar Singh, J)

Md.S./-

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