

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.717 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

Rambabu Singh son of Late Awadh Singh, resident of Village-Jaisinghpur, Mishra Tola, Police Stateion-Sikta, District-West Champaran at Bettiah

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police,) Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Bettiah, District-West Champaran at Bettiah
4. The Superintendent of Police, Bettiah, District-West Champaran at Bettiah
5. The Deputy Superintendent of Police, Narkatiaganj, District-West Champaran at Bettiah
6. The Officer-in-charge, Sikta Police Station, District-West Champaran at Bettiah

.... Respondents

Appearance :

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

For the Respondent/s : Mr. S. K. Sharma, GA-1.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 15-01-2016

Heard learned counsel for the petitioner and learned counsel for the State.

2. By way of the present application preferred under Articles 226 and 227 of the Constitution of Indian, the petitioner seeks a direction to be issued to the respondents to submit charge-sheet under Section 302/34 of the Indian Penal Code (for short 'IPC') in Sikta P.S.Case No. 28 of 2015 dated 06.04.2015 registered under Section 302/34 IPC.

3. It is contended that on the basis of a written report submitted by the petitioner, the aforesaid police case was



registered against seven accused persons named in the FIR. Though more than eight months have passed since the date of institution of FIR, the accused persons have not been apprehended and the investigation is not proceeding in right direction. It is further contended that the brother of the petitioner has reason to believe that the accused persons named in the FIR are the real culprits who have killed his brother Ramadhar Singh.

4. On the other hand, learned counsel for the State has contended that he has received instructions from the Superintendent of Police, as also the Investigating Officer of the case in the matter and according to them the investigation reveal that the allegations made in the written report submitted by the petitioner is based on hypothetical presumption and wild suspicion against the accused persons named in the FIR. So far, there is no material to connect the accused persons with the alleged offence. He has further contended that an in-depth investigation is going on in the matter and very soon, the police would submit its report before the court of the Magistrate.

5. Be that as it may, regard having had to the fact that the case is still under investigation, this Court would refrain itself from making any comment on the merits of the

investigation. It is a well-settled position in law that investigation of a criminal case is exclusively within the domain of the investigating agency. At this stage, the Court has no role to play. Furthermore, when the matter is under investigation, it would not be proper for this Court to direct the investigating agency to submit charge-sheet against any particular accused named in the FIR or to direct the investigating agency to submit a report under Section 173(2) of the Code of Criminal Procedure under a particular provision of the panel code.

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

(Ashwani Kumar Singh, J.)

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