

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1077 of 2015

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

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Diwakar Kumar son of Nagendra Kumar Resident of Mohalla- East Indira Nagar
P.S Kankarbagh District Patna.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna
 2. The Senior Superintendent of Police Patna.
 3. The Deputy Superintendent of Police Patna.
 4. The Station House officer, Kankarbagh Police Station Patna
 5. Rohit Kumar S/o Mohan Singh
 6. Sakila Devi W/o Mohan Singh
- Both resident of Village Barh Kutchery P.S. Barh District Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-08-2016

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 investigate Kankarbagh P. S. Case No. 451 of 2015 registered under Sections 354, 366-A, 323 and 379 of the Indian Penal Code.

2. A counter affidavit has been filed on behalf of respondents no. 2 and 3 wherein it has been stated that the aforesaid FIR was registered on the basis of a complaint which was referred

to the police under Section 156(3) of the Code of Criminal Procedure for investigation. It has further been stated that even prior to the present case, a criminal case was registered bearing Kankarbagh P.S. Case No. 239 of 2015 on 09.04.2015 *inter alia* under Section 363 of the Indian Penal Code on the basis of written report submitted by Nagendra Kumar, father of the petitioner against Rohit Kumar on the charge of kidnapping of his granddaughter Annu Sharma. During investigation of aforesaid Kankarbagh P.S. Case No. 239 of 2015, the victim was recovered and her statement was recorded under Section 164 of the Code of Criminal Procedure before the court where she stated that no one had kidnapped her and out of her own, she had gone to the residence of her maternal grandfather at Hilsa in Nalanda. It has also been submitted that the investigation of the case is going on and the same would be brought to the logical end soon.

3. In view of the fact that the investigation of a criminal case is statutory right of the police and at this stage, the Court has no role to play, I am not inclined to entertain the present application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

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