

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1056 of 2015

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

Sunil Kumar, Son of Govind Prasad, Resident of Salempur, Ward No.-11, Post & P.S.- Barh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Home (Police) Bihar, Patna.
2. The Director General & Inspector General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy Inspector General of Police, Patna Range, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Superintendent of Police, Rural, Patna.
7. The Deputy Superintendent of Police, Barh, Patna.
8. Manoj Kumar, Son of Jagarnath Prasad, Resident of Mohalla- Station Bazar, Barh, District- Patna, At present residing at Salempur, Laxmi-Parwati Bhawan, Ward No 12, Police Station -Barh, District- Patna.

.... Respondents

Appearance :

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

For the Respondent/s : Mr. K.K. Jha, AAG-14

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-02-2016

By way of the present application preferred under Articles 226 & 227 of the Constitution of India, the petitioner seeks a direction to be issued to respondent authorities to conduct an

impartial investigation of Barh P.S. Case No. 317 of 2015 dated 05.08.2015 registered under Sections 341, 323, 406, 420 and 504 read with 34 of the Indian Penal Code.

2. It is contended that initially a complaint was filed by one Manoj Kumar, which was referred to the police under Section 156(3) of the Code of Criminal Procedure for investigation, pursuant to which the instant FIR has been registered.

3. The further contention is that the allegations made in the complaint are absolutely false and, hence, the police be directed to hold the investigation of the case in a fair and impartial manner so that a final form holding the case to be false be submitted.

4. On the other hand, learned counsel for the State has contended that there is nothing on record on the basis of which it can be said that the investigation is not being done in fair and impartial manner.

5. Be that as it may, it is well-settled that to hold investigation into a cognizable offence is the statutory right of a police. At this stage, the court has no role to play. It is presumed that police would conduct a fair and impartial investigation in each and every case. Learned counsel for the State has rightly pointed out that there is nothing on record on the basis of which it can be said

that the investigation is either tainted or biased against the petitioner.

6. Having regard to the facts and circumstances of the case, since the matter is under investigation, this Court would refrain itself from making any comment on the merits of the allegations made in the FIR. In view of the discussions made, hereinabove, I do not think any necessity to issue any direction in the matter.

7. Accordingly, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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