

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.175 of 2016

Arising Out of PS.Case No. -162 Year- 2015 Thana -Makhdumpur District- JEHANABAD

Upendra Kumar, Son of Ram Bhajan Das, Resident of Village - Makarpur, Police Station - Makhdumpur, District Jehanabad.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Director General of Police, Bihar, Patna.
- 3. The Inspector General of Police, Bihar, Patna.
- 4. The Deputy Inspector General of Police, Magadh Range, Gaya.
- 5. The Superintendent of Police, Jehanabad.
- 6. The S.H.O. Makhdumpur, Police Station, Jehanabad.
- 7. The Investigating Officer, Makhdumpur Police Station, Jehanabad.
- 8. Niraj Kumar (Informant), Son of Rajendra Sharma, Police Station- Makhdumpur, District Jehanabad.

.... Respondents

Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Advocate.
Mr. Umesh Kumar, Advocate.
For the Respondents : Mr. Gyan Shankar, A.C. to G.P. 6

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 09-03-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner has sought for a writ in the nature of mandamus commanding the respondents to conduct further investigations of Makhdumpur P.S. Case No. 162 of 2015 for the offences under Sections 147, 148, 149, 341, 342, 325, and 302 of the Indian Penal Code.

3. Admittedly, the report under Section 173 of the Code of Criminal Procedure, 1973 has been filed though the charges are yet to be framed.

4. The claim of the petitioner in the present petition is in the nature of defence in trial. Therefore, when the matter is before the Court, the defence of the petitioner is required to be examined at the appropriate stage and not in the guise of further investigation.

5. I do not find any merit in the petition. The same is, thus, dismissed.

(Hemant Gupta, J)

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