

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.855 of 2015

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

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Manish Kumar Tuntun Son of Shri Parikshan Mahto resident of Village- Dhamaun
(North), P.S. Patori, Dist- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. Director General of Police, Patna.
3. Deputy Inspector General of Police, Darbhanga.
4. Superintendent of Police, Samastipur.
5. S.D.P.O. Patori, samastipur.
6. Officer-in-charge, Patori Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh, Advocate
For the Respondent/s : Mr. D. K. Prasad, G.P- 7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-02-2016

The petitioner is the informant of Patori P. S. Case No.
393 of 2013 dated 13.11.2013 registered under Section 406/34 of
the Indian Penal Code.

2. 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 immediately ensure the
arrest of the accused persons named in the aforesaid case.

3. To hold investigation into a cognizable offence

is the statutory right of the police and at the stage of investigation, the Court has no role to play. It is well-settled that neither the accused nor the informant of a case can dictate the manner in which the investigation of the case is to be conducted. The truthfulness or otherwise regarding an allegation made in the FIR is always subject matter of investigation. It would be highly improper for this Court to direct the investigating agency to arrest the accused persons named in the FIR without ensuring their culpability.

4. In that view of the matter, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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