

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.339 of 2015

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Mishri Das, son of Shiv Das, resident of village + P.O.- Jalalpur, P.S.- Warisaliganj, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
 2. The Director General of Police, Bihar, Patna.
 3. The Deputy Inspector General of Police, Magadh Range, Gaya.
 4. The Senior Superintendent of Police, Nawadah.
 5. The Sub-Divisional Police Officer (S.D.P.O.), Nawadah, District- Nawadah.
 6. The Station Head Officer, Warsaliganj, District- Nawadah.
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.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jyoti Prabhakar, Advocate

For the Respondent/s : Mr. M.Ksinha(Sc-I)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date : 25-01.2016

2 25-01-2016 Heard learned counsel for the petitioner and

the learned counsel for the State.

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction upon the respondents concerned to investigate the Warisaliganj P.S. Case No.23 of 2015 dated 27.1.2015 properly and effectively and direct the Investigating Officer of the case to submit charge sheet under Section 307 of the Indian Penal Code also against the accused-persons who have assaulted the

informant-petitioner and his family members by means of sharp cutting weapon causing dangerous injury.

It has been contended by the learned counsel for the petitioner that the police have gone in collusion with the accused persons and a collusive report has been submitted in the court in which Section 307 IPC is missing.

On the other hand, learned counsel for the State has contended that after conducting a fair and impartial investigation, a report under Section 173 Cr.P.C. vide charge sheet no.23 of 2015 has been submitted in the Court under Sections 341, 323, 324, 337, 504 and 448 read with Section 34 of the Indian Penal against accused Saryug Ravidas, Sona Devi, Sanu Ravidas, Uday Ravidas, Sunil Ravidas and Ranjit Ravidas in the court of Chief Judicial Magistrate, Nawada on 20.2.2015.

Regard being had to the submissions made at the bar, in my view, no relief can be granted to the petitioner. Once a report under Section 173 Cr.P.C. is submitted in the court, it is for the Magistrate concerned to apply his mind to the materials collected during investigation and pass appropriate orders in accordance



with law.

In that view of the matter, I find no merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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