

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1083 of 2015

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

Ashok Kumar Sharma Son of Shri Upendra Sharma, resident of village - Garhsisai,
Police Station - Vidyapati Nagar, District - Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Home Secretary, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Darbhanga Division, Darbhanga.
6. The Deputy Inspector General of Police, Darbhanga Division, Darbhanga.
7. The Superintendent of Police, Samastipur.
8. The Sub-Divisional Police Officer, Dalsingsarai, District - Samastipur.
9. Sunil Kumar the Officer -in - charge of Vidyapati Nagar, Police Station -
Vidyapati Nagar District - Samastipur.
10. Ram Keshwar Prasad, A.S.I. Vidyapati Nagar, Police Station Vidyapati Nagar,
District - Samastipur.
11. Shambhu Prasad Singh, A.S.I. Vidyapati Nagar, Police Station - Vidyapati
Nagar, District - Samastipur.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Jha, Advocate

For the Respondent/s : Mr. Prashant Pratap, GP-6

Mr. Asit Kumar Jha, A.C. to G.P.-6

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-02-2016

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 get the investigation of Vidyapati Nagar P. S. Case No. 119 of 2015 conducted by the investigating agency other than the Bihar police.

2. It would be evident from the pleadings made by the petitioner that the petitioner and his family members have been made accused in Vidyapati Nagar P. S. Case No. 119 of 2015 registered under Sections 341, 323, 504 and 506 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. To hold investigation into a cognizable offence is the statutory duty of the police. There is nothing on the record to show that the investigation being conducted by the police is tainted. It is well-settled that an accused of a criminal case has got no right to choose the investigating agency of his choice.

3. In that view of the matter, I do not find any merit in the present application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

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