

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.13838 of 2015**

Arising Out of PS.Case No. -67 Year- 2011 Thana -BIHRA District- SAHARSA

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1. Amit Kumar Pandey S/o Late Jivendra Pandey R/o Gandaul, P.S. Bihra, District  
- Saharsa

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 19-01-2016**

Heard learned counsel for the petitioner and learned counsel for the State.

By way of the present application filed under Section 482 of the Code of Criminal Procedure (for short "CrPC"), the petitioner seeks quashing of the Bihra P.S.Case No. 67 of 2011 registered under Sections 366-A, 341 and 323/34 of the Indian Penal Code.

It is contended that though the petitioner is not named in the FIR, he has been implicated in the case on the basis of statement of the victim recorded under Section 164 CrPC. The victim's statement would simply show that the petitioner was standing outside the house of the victim when the alleged offence took place. The further contention is that on completion of investigation, though the police have

submitted charge-sheet against the named accused persons, the investigation as against the petitioner has been kept pending.

I perused the allegations made in the FIR as also the statement of the victim recorded under Section 164 CrPC. The allegations do attract ingredients of a cognizable offence. The police have already submitted a report under Section 173 CrPC against the FIR named accused persons and in view of the submissions made at the Bar, the investigation in respect of this petitioner is still going on.

It is well settled that investigation of a police case is within the exclusive domain of the police. At this stage, the Court has no role to play. The defence of an accused cannot be considered by the Court at this stage.

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

**(Ashwani Kumar Singh, J)**

Pradeep/-

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