

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4871 of 2016

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1. Gyandeep Chahumukhi Vikash Sadan, Jankinagar, Purnea (A society registered under the Societies Registration Act, 1860 having registration No.606/1993) registered office at Village+ P.O.+ P.S.- Jankinagar, District-Purnea through its Secretary namely Shri Shobha Kant Sah.
 2. Md. Muslim S/o Late Mahmood Alam, resident of village+ P.O.+ P.S. Jankinagar, District-Purnea.
 3. Bhairav Soren S/o Late Barku Soren, resident of Village +P.O.+ P.S. Jankinagar, District-Purnea.
 4. Md. Osman, S/o Abdul Rahim, resident of Village + P.O.+ P.S. Jankinagar, District-Purnea.

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Home Affairs, Govt. of India, New Delhi.
2. The State of Bihar through the Home Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Central Bureau of Investigation through its Director, New Delhi.
4. The Inspector General, Central Bureau of Investigation, Patna.
5. The Economic Offences Unit, Govt. of Bihar, Patna through the Inspector General.
6. The Inspector General, Economic Offences Unit, Govt. of Bihar, Patna.
7. The Superintendent of Police, Purnea.
8. The Dy. S.P. Banmankhi, District-Purnea.
9. The Office-in-Charge, Jankinagar, P.S. District-Purnea.

.... Respondent/s

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Appearance :

For the Petitioners	:	None
For the State	:	Mr. S. D. Yadav, AAG-9
For the Respondent Nos.5 & 6	:	Mr. V. N. P. Sinha, Senior Advocate Mrs. Soni Srivastava, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-06-2017

None appears for the petitioners. Learned counsels for the respondents are present.

This petition has been filed in public interest and the



reliefs claimed are with regard to certain allegations made and causing an investigation with regard to suspicious death/suicide of one person as detailed in the writ petition.

On notice being issued, a detailed counter affidavit has been filed along with supplementary counter affidavit of respondent No.7 which goes to show that after detailed investigation into the matter, a charge-sheet has been filed in the Court of competent jurisdiction. The supplementary affidavit filed by respondent No.7, particularly the averments made in paragraphs 15 and 16 indicate that investigation into the matter has been completed and after filing of the charge-sheet, the Court of competent jurisdiction is seized with the matter and in case the petitioner or any other person has any grievance still subsisting with regard to the manner of investigation, they have right under the law to approach the Court where the chargesheet has been filed.

As far as causing an enquiry by an independent investigating agency like the CBI is concerned, on going through the facts and circumstances of the case, the ingredients necessary for doing so as laid down by the Supreme Court in the cases of **State of West Bengal versus Committee for Protection of Democratic Rights [(2010) 10 SCC 571]**; **T.C. Thangraj Versus Engammal & Others [(2011)12 SCC 328]**; and **Pooja Paul Versus Union of India (2016) 3**



SCC 135, are not made out in the present case and, therefore, now in the light of the charge-sheet already filed by the respondents after investigation into the matter, no further indulgence into the matter is called for. In case, the petitioner or any other person has any grievance still subsisting with regard to the manner in which the investigation is made into the matter or the charge-sheet is filed, they have liberty to approach the Court where the matter is pending and raise objection as are permissible in law.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.06.2017
Transmission Date	

