

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4963 of 2017

- =====
1. Rajesh Ranjan @ Pappu Yadav, Son of- Sri Chandra Narayan Prasad, Resident of Quality Apartment, Flat no. 501, North Mandiri, Police Station- Budha Colony, District- Patna.
2. Ajay Kumar, Son of Sri Brajlala Prasad, Resident of Ashochak, [Nandlal Chapra], Police Station- Ram Krishna Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State through Principal Secretary, Department of Home, Government of Bihar.
2. The Principal Secretary, Department of Home Government of Bihar.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna.
5. The Senior Superintendent of Police, Cum S.I.T. in-Charge, Patna.
6. The Dy. S.P. Patna City.
7. The Sub Inspector Cum I.O. of Agamkuan Police Station in the District of Patna.
8. The Director, Central Bureau of Investigation, New Delhi.
9. The Inspector General, Central Bureau of Investigation, Patna.

.... Respondent/s

=====

Appearance :

- For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
- For the State : Mr. Lalit Kishore, Advocate General
- For the C.B.I. : Mr. Sanjay Kumar, S.C., C.B.I.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date: 03-08-2017

Inter alia contending that the police authorities are not properly investigating Agamkuan P.S. Case No. 44 of 2017 registered by Police Station, Agamkuan within the jurisdiction of Patna City and seeking a direction for inquiry by the Central Bureau of Investigation pointing out various infirmities in the investigation, this writ petition has been filed.

Respondents have filed a detailed counter affidavit and after hearing learned counsel for the parties, we find that charge-sheet has already been filed and the Court of competent criminal jurisdiction is seized of the matter.

Once a charge-sheet has been filed and the Court of competent criminal jurisdiction is seized of the matter, in a Public Interest Litigation until and unless the test laid down by the Supreme Court in the cases of **State of West Bengal & Ors. Vs. The Committee For Protection of Democratic Rights, West Bengal & Ors.- (2010) 3 SCC 571** and **Pooja Pal Vs. Union of India & Ors.- (2016) 3 SCC 135** are not met, it is not appropriate for this Court to issue any direction for investigation by the Central Bureau of Investigation. The petitioners should raise all objections as are permissible before the court where the charge-sheet has been filed and it would be for the criminal court to proceed in accordance with



law.

Keeping in view the aforesaid, finding no indulgence to be made into the matter at the instance of the petitioners in this Public Interest Litigation, we dispose of the writ petition.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.08.2017
Transmission Date	

