

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

**Criminal Writ Jurisdiction Case No.1222 of 2016**

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

- =====
1. Swapnil Prabhat, Son of Late Ajay Singh,
  2. Sanjay Kumar Singh @ Tunna Thakur, Son of Sri Shivji Thakur,
  3. Vijendra Thakur, son of Sri Basudeo Thakur.
  4. Anil Singh, son of Late Bhuneshwar Singh,
  5. Ram Sewak Singh @ Ram Sewak Thakur, son of Late Ramchandra Singh,
  6. Munna Singh, son of Sri Chandeshwar Singh, All resident of village- Nethua, P.O. Awari, P.S. Marhaura, District- Saran at Chapra.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna .
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Zone, Muzaffarpur.
4. The Deputy Inspector General of Police, Saran Range, Chapra.
5. The Superintendent of Police, Saran at Chapra, District- Saran at Chapra.
6. The Sub-Divisional Police Officer, Marhaura, District- Saran at Chapra.
7. The Station Head Officer, Marhaura, Police Station- District- Saran at Chapra.
8. Shiv Shankar Singh, son of Late Vijay Singh, Resident of village Nethua, P.O. Awari, P.S. Marhaura, District Saran at Chapra.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate  
Mrs. Anita Kumari Singh, Advocate  
For the Respondent/s : Mr. Nasrul Huda Khan, SC-I  
Mr. Bindhyachal Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**  
**Date: 16-05-2017**

Heard learned counsel for the petitioner, learned  
counsel for the State-respondents and learned counsel for the  
private respondents.

2. The petitioner is one of the accused in Marhaura  
P.S. Case No.505 of 2016. The petitioner has invoked the writ



jurisdiction of this Court for issuance of a direction restraining the respondent Marhaura Police from proceeding with the investigation of the aforesaid case on the ground that dead body of the victim of murder was recovered from the territorial jurisdiction of Baniyapur Police Station. Further prayer is for transfer of the investigation of the aforesaid case to Baniyapur P.S. from whose jurisdiction the dead body of the victim was recovered.

3. The State-respondents have filed counter affidavit stating therein that brother of the victim of murder is informant of this case and he was accompanying the victim at the time of abduction of the victim from village Nethua, Police Station Marhaura, District- Saran. The occurrence allegedly took place on 04.11.2016. However, the F.I.R. was lodged in the morning of 05.11.2016 as the informant had fled away from the place of occurrence, on threat from the accused persons of being killed, and due to fear he did not move in the night. Thereafter he informed to the family members about the occurrence of abduction but the family members simply replied that the accused would allow the victim to go back after assaulting him. In the morning, dead body was recovered from the jurisdiction of Baniyapur Police Station.

4. Thus, the writ petitioner has sought for the above relief only on the ground of recovery of dead body from the



jurisdiction of Baniyapur Police Station.

Section 156 Cr.P.C. provides for power of the police officer to investigate cognizable case which reads as follows:

*“Section 156 – (1) Any Officer-in-Charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to enquire into or try under the provisions of Chapter-XIII.”*

Chapter-XIII of Cr.P.C. contains provisions of jurisdiction of criminal Courts in inquiries and trial, reads as follows:

*“177. Ordinary place of inquiry and trial.- Every offence shall ordinarily be inquired into and tried by a Court within local jurisdiction it was committed.”*

*“178. Place of inquiry or trial.- (a) When it is uncertain in which of several local areas an offence was committed, or*

*(b) where an offence is committed partly in one local area and partly in another, or*

*(c) where an offence is a continuing one, and continues to be committed in more local areas than*



*one, or*

*(d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.”*

Section 179 reads as follows:

***“179. Offence triable where act is done or consequence ensues.-*** *When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.”*

4. A bare perusal of all the aforesaid provisions makes it abundantly clear that the Court in whose jurisdiction the first offence was committed has also jurisdiction to enquire and try besides jurisdiction to the Court where consequence of the first act followed. Therefore, the police has jurisdiction to investigate the case of the territorial jurisdiction of the Court aforesaid, in view of the provisions of Section 156 Cr.P.C.

5. In view of the aforesaid provisions, in my view, there is no illegality or irregularity with the investigation of



Marhaura P.S. Case No.505 of 2016 by the Marhaura Police.

Hence, this writ application is devoid of merit. Accordingly, it stands dismissed.

Mkr./-

**(Birendra Kumar, J)**

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