

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32301 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -VIGILANCE District- PATNA

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Ajay Kumar Srivastava son of late Chandrika Prasad, resident of Mohalla- Dr. Mahmood Chak, Dahiyawa, P.S. Chapra Town, District- Saran (Chapra)

.... Petitioner

Versus

The State of Bihar through Cabinet Vigilance, Bihar, Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Janardhan Prasad Singh, Sr. Advocate
Mr. Arbind Kumar Singh, Advocate
Mr. Dipak Kumar, Advocate

For the Vigilance : Mr. Santosh Kumar Pandey, AC to
Mr. Ramakant Sharma, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-02-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the first information report of Vigilance P. S. Case No. 106 of 2016 registered under Sections 420, 109, 467, 468, 471, 472, 477-A, 409 and 120-B of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

2. Mr. Janardhan Singh, learned Senior Counsel appearing for the petitioner submitted that the petitioner is not named in the FIR and despite there being no material against him, in course of investigation, the police are trying to implicate him in the case. He submitted that the hostile approach of the investigating



agency against the petitioner is apparent from their action and the petitioner has reasonable apprehension that the investigating officer would submit charge-sheet against him.

3. To hold investigation into a criminal case is the statutory duty of the police. It is well settled position in law that investigation into a criminal case is always confidential and, at this stage, one cannot predict what would be the ultimate conclusion of the police.

4. In my considered opinion, the apprehension of the petitioner that he may also be implicated in the case in course of investigation by the investigating officer cannot confer upon him a right to challenge the first information report in which neither he is named nor any allegation has been made against him. He has no locus to challenge the first information report at this sage. This application is premature. Hence, it is dismissed.

5. In case, any adverse police report is filed against the petitioner, he would be at liberty to resort to remedies available in law.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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