

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1322 of 2018

Arising Out of PS. Case No.-512 Year-2017 Thana- MARHAURA District- Saran

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Anita Kunwar @ Anita Devi wife of Late Mainu Singh, R/o village-
Narahapur, P.S.- Marhaura, District- Saran at Chapra... .. Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Muzaffarpur
4. The Dy. Inspector General of Police (D.I.G.P.) Saran range, Saran at Chapra
5. The Superintendent of Police, Saran at Chapra
6. The Asst. Superintendent of Police, Marharura, Saran at Chapra
7. Ashok Kumar Singh, son of not known, A.S.P. Marhaura, Saran at Chapra
8. The S.H.O. Gaura O.P. under Marhaura P.S., District- Saran at Chapra
9. The S.H.O., Marhaura Police Station, District- Saran at Chapra
10. The I. O. of Marhaura (Gaura O.P.) P.S. Case No. 512 of 2017 District- Saran at Chapra
11. The S.H.O. Bhagwan Bazar Police Station, District- Saran at Chapra
12. The S.H.O., Chapra Town, P.S. & District- Saran at Chapra
13. Arun Kumar son of Late Shashi Bhushan Singh, R/o village- hatisar, P.S.- Marhaura, District- Saran at Chapra
14. Subodh Kumar Singh, son of Arjun singh, R/o Awari, P.s.- Marhaura, District- Saran at Chapra
15. Rajan Singh @ Ranjan Kumar, son of Vidya Singh, R/o vilalge Awari, P.s.- Marhaura, District- Saran at Chapra
16. Bholu Singh son of not known, R/o village- Bhawalpur, presently Mukhiya, Gram Panchayat Bhawalpur, P.S.- Marahaura, District- Saran at Chapra
17. Nandan Singh son of Surendra Singh, R/o village- Srinagar, P.S.- Rewati, District- Baliya, U.P.
18. Golu Singh son of Sanjay Singh, R/o village- Gunua Chapra, P.S.- Beriya, District- Baliya, U.P.
19. Alok Singh @ Gappu son of Late Shashibhushan Singh, R/o village- Hathisar, P.s.-Marahaura, District- Saran at Chapra

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Udai Shankar Singh, Advocate
For the Respondent/s	:	Mr. Manish Kumar (GP 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2018 The grievance of the petitioner in the present writ application is that the Investigating Officer of Marhaura (Gaura O.P.) P. S. Case No. 512 of 2017 registered under Sections



364/34 of the Indian Penal Code is not conducting the investigation properly and is not taking cognizance of the Audio Tape of the co-accused in the case.

Even though the prayers have been made to direct the respondents to add the name of certain persons who have been arrayed as private respondents in the writ application and to arrest them, this Court sitting in its constitutional jurisdiction would not go into those issues and at this stage, when the case is under investigation, no such direction for adding of accused or arrest may be issued. This, however, be not misunderstood by the Investigating Officer and it will be always open to the Investigating Officer to investigate the case independent of any influence, collect all the evidences and on the basis of the evidences available to him file a final report in terms of Section 173 of the Code of Criminal Procedure. The provisions regarding addition of accused etc. are well provided in the Code of Criminal Procedure and powers have been conferred upon the regular courts established under the Code to take care of such complaint.

This Court would thus, not willing to grant such relief to the petitioner at this stage. If the petitioner is not happy with the kind of investigation being conducted by the present



Investigating Officer, she may approach the court below by filing an appropriate application for a direction to the Investigating officer and such other remedies which were available to her in terms of the judgment of the Hon'ble Supreme Court in the case of **Sakiri Basu Vs. The State of U. P. and Ors.** reported in **(2008) 2 SCC 409**.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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