

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.476 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- AKBARPUR District- Nawada

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Amar Jyoti, Son of Sharwan Kumar, R/o - Village- Pachganwa, P.S- Akbarpur, District- Nawada

... .. Petitioners

Versus

1. The State of Bihar
2. Director General of Police in Bihar, Patna
3. Deputy Inspector General of Police, Madh Range, Gaya
4. Superintendent of Police, Nawada
5. Sub Divisional Superintendent of Police, Rajauli
6. Station House Office, Akbarpur Police Station
7. Bashant Yadav Investigating Officer, Akbarpur Police Station
8. Investigating Officer, Akbarpur Police Station Bihar
9. Shailendra Yadav, Son of Bharat Singh, R/o - Mohalla- Kherapati village Ekdil , P.S.- Ekdil, District- Itawa (U.P.)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent/s : Md. Nadim Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-03-2019

In the instant case, the petitioner has prayed for directing the respondent-authorities to hand over the investigation of Akbarpur P.S. Case No. 264 of 2018 registered under Sections 419, 420, 406 and 506 read with 34 of the Indian Penal Code to an officer not below the rank of Deputy Superintendent of Police.

2. The petitioner is a named accused in the case.

3. The contention of the learned counsel of the



petitioner is that as a matter of fact the informant of the case himself is responsible for the alleged act of omission and commission for which the petitioner is being prosecuted. He contended that the investigation of the case is not being conducted by the Investigating Officer in a fair and impartial manner. Hence, it is required that the investigating officer be changed and the investigation be handed over to superior police officer.

4. To hold investigation into a cognizable offence is the statutory duty of the police. At the stage of investigation, the petitioner is neither entitled to receive any information relating to the ongoing investigation nor he can ask for any document. The accused has certainly got right to receive copy of the documents enumerated under Section 207 of the Code of Criminal Procedure after the investigation is over. In the midst of investigation, an accused cannot complain that the investigation is not being done in a fair and impartial manner. The outcome of the investigation is to be examined by the Magistrate concerned only after the police report is submitted.

5. The law with regard to *locus* of the accused in the matter of investigation is well-settled. The accused has no right to choose the investigating officer of his own choice. There



is nothing on record on the basis of which the Court can form an opinion that the investigation is tainted.

6. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

AFR/NAFR	NAFR
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