

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.469 of 2019

Arising Out of PS. Case No.-61 Year-2018 Thana- KAJRA District- Lakhisarai *

Kedar Kumar @ Kedar Yadav, Son of Masudan Yadav, Resident of Village - Mahulia, Post- Mananpur, P.S.- Chanan, Distt.- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary (Home), Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Munger.
4. The Superintendent of Police, Lakhisarai
5. The Deputy Superintendent of Police, Abhiyan, Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Neeraj Nandan, Advocate Mr. Bijay Kumar Pandey, Advocate Mr. Mukesh Kumar, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar Verma, AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-03-2019

The petitioner has filed the instant writ petition under Article 226 of the Constitution of India for directing the respondents to hand over investigation of Kajra P.S. Case No. 61 of 2018 to the Central Bureau of Investigation or any other independent agency.

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in Kajra P.S. Case No. 61 of 2018 registered *inter alia* under Section 307 of the Indian Penal Code, 27 of the Arms Act and Sections 16, 17, 18, 20 and 23 of the Unlawful Activities (Prevention) Act, 1967. He submits that he has already filed



representation before the Superior Police Officers against the high handedness of the local police, but no action has been taken so far.

3. Learned counsel for the State submits that the petitioner is one of the named accused in the first information report. In the alleged incident, an unlawful assembly of more than 50 naxalites being variously armed with deadly weapons had attacked upon the police party. The police also exchanged fire. Huge quantity of incriminating articles such as, live cartridges, electrical detonators, electric wire, explosive power gel etc. were recovered by the police. The petitioner is one of the named accused in the first information report.

4. Though, the petitioner complains that the implication in this case is false and the investigation is being conducted in a high-handed manner, except the oral allegation there is no material before the Court to accept such contention. The change of investigating agency or an Investigating Officer cannot be ordered by the Court merely because the accused has levelled some allegations against the local police.

5. The extraordinary power under Article 226 of the Constitution of India has to be exercised sparingly, cautiously and in exceptional situations. There is nothing to doubt the



credibility of investigation of Kajra P.S. Case No.61 of 2018.

6. It is well settled position in law that an accused in a criminal case has no right either to choose the investigating agency of his choice or to dictate the manner in which an investigation should be conducted.

7. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

AFR/NAFR	NAFR
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