

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.506 of 2019

Arising Out of PS. Case No.-315 Year-2018 Thana- MASHRAK District- Saran

Malati Devi, Wife of Bachan Nat, Resident of Village- Manjhopur, Parrana,
P.S.- Taraiya, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Saran at Chapra.
4. The Deputy Superintendent of Police, Madhaura, District- Saran.
5. The Inspector-cum-Officer Incharge of Mashrakh Police Station, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 15-03-2019

This application under Article 226 of the Constitution of India has been filed by the petitioner for directing the respondents to complete the investigation in connection with Mashrakh P.S. Case No.315 of 2018 dated 14.09.2018 registered under Sections 341, 323, 354, 504 of the Indian Penal Code and Section 3(1)(r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted by the learned counsel for the petitioner that after institution of the First Information Report (for short 'FIR'), the investigating officer of the case is sitting tight



over the matter. Till date, charge-sheet has not been submitted by the police. The petitioner is a poor lady belonging to scheduled caste category. Her modesty was outraged on the relevant date for which the FIR has been instituted against notorious musclemans Radhesh Kumar Sharma. The police are in collusion with him. They are bent upon to spoil the case of the prosecution. It is also contended that a representation in this regard has been submitted to the Superintendent of Police, Saran by the petitioner on 17.12.2018, but that has also not served its purpose, as the investigation is still inconclusive.

3. Having heard learned counsel for the petitioner and perused the record, though, an allegation has been levelled by the petitioner that the investigating agency is in collusion with the accused, there is no material on the basis of which, this Court can record such finding at this stage.

4. It is true that a sensitive and committed investigation into a cognizable offence is the need of the hour. However, it is equally true that at the stage of investigation, the Court has a very limited role. To hold investigation into a cognizable offence is the statutory right of the police. The investigation is also presumed to be confidential in nature. Since the investigation is confidential in nature, the informant cannot claim that simply because the charge-



sheet has not been submitted till date, the investigation is tainted or unfair.

5. The culpability of the accused named in the FIR or otherwise is to be ascertained by the investigating agency and not by this Court at the stage. Since the investigation is going on, I am of the opinion that no interference by this Court, at this stage, is warranted. The role of the Court would commence only after the investigation is completed.

6. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
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