

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.516 of 2019

Arising Out of PS. Case No.-72 Year-2017 Thana- JANDAHA District- Vaishali

Arvind Singh Son of Asarfi Singh Resident of Village - Misraulia, P.S.-
Jandaha, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The D.I.G., Tirhut Division, Muzaffarpur
4. The District Magistrate, Vaishali at Hajipur
5. The Civil Surgeon, Vaishali at Hajipur
6. The Superintendent of Police, Vaishali at Hajipur
7. The Officer-In-Charge, Jandaha Police Station, Vaishali at Hajipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate
For the Respondent/s : Mr.Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 26-03-2019

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner has been made accused in Jandaha P.S. Case No. 72 of 2017 dated 11.05.2017 registered inter alia under Sections 326 and 307 of the Indian Penal Code.

3. Learned counsel for the petitioner contended that the informant of the case did not sustain acid burn injury. The entire allegations made in the FIR against the petitioner and others are false and baseless. He contended that in order to find



out the truth, it is necessary that this Court should direct the investigating agency to get the informant examined by a medical board as the injury report has been obtained by the informant in collusion with the doctor taking benefit of 90 % white spot on his body due to leukoderma.

4. On the other hand, learned counsel for the State submitted that the petitioner has been made accused in a serious case of acid burn injury. The investigation of the case is going on. At this stage, the petitioner cannot seek any direction from the court as to how the investigation should be conducted.

5. I have heard learned counsel for the parties and perused the record.

6. To hold investigation into a cognizable offence is the statutory right of the police. The allegations made by the petitioner that the medical report has been obtained by the injured in collusion with the doctor is in the nature of defence. The defence of an accused can be tested by the concerned court at the stage of trial and the same cannot be made a ground for interfering with the ongoing investigation. There is no material before the court that the investigation is either unfair or tainted. The accused cannot seek a direction from the court for setting the terms of investigation.



7. In that view of the matter, I am of the opinion that no case for directing the investigating agency to get the injured examined by a medical board is made out.

8. The writ petition lacks merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

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