

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.666 of 2019

Arising Out of PS. Case No.-422 Year-2018 Thana- DHANARUA District- Patna

Mukesh Kumar @ Mukesh Prasad aged about 26 years (Male) Son of
Bijendra Prasad Yadav, resident of Village - Dubhara, P.S.- Dhanarua,
District- Patna Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Health Deptt., Govt. Of Bihar, Patna.
2. Civil Surgeon Cum Chief Medical Officer Patna
3. Head of Department Orthopaedics, P.M.C.H. Patna
4. Medical Superintendent, P.M.C.H. Patna
5. Deputy Superintendent, P.M.C.H. Patna
6. Dr. Manish Rajan Senior Orthopaedics, P.M.C.H. Patna
7. Babuchand Yadav Son of Late Shita Yadav Resident of Village - Dubhara, P.S.- Dhanaurua, District- Patna
8. Munna Yadav Son of Babuchand Yadav Resident of Village - Dubhara, P.S.- Dhanaurua, District- Patna
9. Lakebhan Yadav Son of Babuchand Yadav Resident of Village - Dubhara, P.S.- Dhanaurua, District- Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Anil Kumar Mukund, Advocate
For the Respondent/s : None.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-04-2019

Heard learned counsel for the petitioner. No one appears
on behalf of the State.

2. This application under Article 226 of the
Constitution of India has been filed by the petitioner for directing
the official respondents to constitute a medical board to examine
the nature of injuries sustained by him for which a police case vide
Dhanarua P. S. Case No. 423 of 2018 was registered.



3. It is submitted by the learned counsel for the petitioner that though the petitioner had sustained grievous injury, the doctor, who treated him issued a collusive report showing the firearm injury to be simple in nature.

4. On query made by the court, he submitted that the investigation of the case is still going on. On further query as to how he came to know about the nature of injury, as mentioned in the injury report, when the investigation is going on, he submitted that he has got a copy of the injury report issued by the doctor to the Officer-in-charge, Dhanarua Police Station on 24.01.2009, which is annexed to this petition, as Annexure-1. When the court asked from him as to whether the report, as contained in Annexure-1 to the petition, was supplied to the petitioner in compliance with any of the provisions of the Code of Criminal Procedure, he submitted that the said report has been brought on record on oath and, hence, the petitioner believes the contents of the same to be true and correct.

5. Be that as it may, an investigation into a cognizable offence is the statutory right of police. The investigation is supposed to be confidential in nature. During pendency of the investigation, neither the accused nor the informant nor the victim of an offence has got any right to obtain a



copy of any material obtained in course of investigation. The injury report issued by a doctor upon examination of an injured in connection with a criminal case is a document, which is collected in course of investigation. Even if, I believe that the injury report has been obtained by the petitioner legally, the fact remains that any direction, which the court would issue during the pendency of investigation would amount to interfering with the investigation. Unless the investigation is completed and report under Section 173(2) of the Code of Criminal Procedure is submitted, it would not be proper for the court to issue any direction in respect of mode and manner of investigation.

6. In that view of the matter, at this stage, I do not think proper to issue any direction to respondents for either constituting the medical board or for re-examining the alleged victim after lapse of more than four months from the date of institution of the first information report.

7. Accordingly, the application is dismissed.

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(Ashwani Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2019
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