

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.728 of 2019

Arising Out of PS. Case No.-823 Year-2018 Thana- Muzaffarpur Sadar District- Muzaffarpur

Usha Devi W/o Sanjay Kumar R/o Aghoriya Bazar, P.S.- Kazi
Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. The Secretary, Bihar State Human rights Commission, Bihar, Patna. Bihar
3. The Director General of Police Cum Inspector General of Police, Bihar, Patna Bihar
4. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur. Bihar
5. The District Magistrate, Muzaffarpur Bihar
6. The Superintendent of Police, Muzaffarpur. Bihar
7. The Sub Divisional Police Officer, Sadar, Muzaffarpur. Bihar
8. The Officer - In-Charge. Sadar P.S., Muzaffarpur. Bihar
9. Mohan Ram S/o Late Shivilak Ram Resident of Khabra, P.S.- Sadar, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pradhan Murli Manohar Prasad, Adv.
		Mr. Raju Kumar Goswami, Adv.
For the Respondent/s	:	Mr. Kumar Vikram, A.C. to GA-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This writ petition has been filed by the petitioner, who
has been made an accused in Muzaffarpur Sadar P.S. Case No.
823 of 2018 dated 25.10.2018 registered inter alia under Section
307 of the Indian Penal Code and Sections 3(1)(s) and 3(2) (v)
of the Scheduled Castes and the Scheduled Tribes (Prevention of



Atrocities) Act.

The prayer of the petitioner in the instant application is to direct the respondent Investigating Officer to investigate the case properly and submit final form and to restrain the private respondent from lodging false case against the petitioner taking advantage of his caste.

Learned counsel appearing for the petitioner submitted that the entire allegations made in the FIR are false and fabricated. The informant has been set up by someone to take revenge from the petitioner, who is absolutely innocent and has not committed any offence.

Per contra, learned counsel for the State submitted that the writ petition is misconceived. Once the criminal case has been instituted and the allegations made therein do attract the ingredients of the offences alleged, it would not be proper to issue any direction to the Investigating Officer, while the investigation is going on.

Having heard learned counsel for the parties and perused the FIR, I find that the allegations made in the FIR do attract the ingredients of cognizable offence. The informant is a member of scheduled caste community. In the FIR, he has been alleged that one Sanajy Mahto assaulted the nephew of the



informant with dagger and the petitioner assaulted him with *danda*. The nephew of the informant sustained sharp cut bleeding injury in his buttock. He was taken to Sadar Hospital Muzaffarpur for treatment. He has further alleged that the accused persons were trying to snatch her son aged only two and a half month.

To hold investigation into a cognizable offence is the exclusive domain of the police. As the matter is still under investigation, it would not be proper for this Court to express any opinion on the veracity of the allegation. Once the investigation would be over and the police would submit a report before the court, the court would pass appropriate order in accordance with law after taking into consideration the materials available in record. At this stage, no direction can be given to the police for submitting final form. Similarly, there cannot be any direction to the informant not to institute any case in future.

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

(Ashwani Kumar Singh, J)

pradeep/sneha

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