

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.784 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- BARH District- Patna

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Karnvir Singh @ Lallu Mukhia @ Karnvir Singh, Son of Late Ram Bilash Prasad, Resident of Gulabbagh, P.S.-Barh, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Additional Chief Secretary, Home, Government of Bihar, Old Secretariat, Patna. Patna.
4. The Director General of Police, Government of Bihar, Old Secretariat, Patna.
5. The Inspector General of Police, Central, Range, Patna.
6. The Deputy Inspector General of Police, Central Range, Patna.
7. The Superintendent of Police, (Rural) Patna.
8. The Assistant Superintendent of Police, Barh, Patna.
9. The District Magistrate, Patna.
10. The Officer-in-Charge of Barh Police Station, Barh, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-05-2019

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

2. This application under Article 226 of the Constitution of India has been filed by the petitioner for issuance of a direction to the Chief Secretary, Government of Bihar and the Director General of Police, Government of Bihar to constitute a High Level



Committee to inquire into the actions and conduct of the respondent no.8 (the Assistant Superintendent of Police, Barh, Patna) and the Barh Police Station.

3. It is contended by the learned counsel for the petitioner that respondent no.8 and the police personnel of Barh Police Station are acting in high-handed manner. They are implicating innocent persons in false cases. It is further contended that the implication of the petitioner in Barh Police Station Case No.91 of 2019 is a glaring example of executive arbitrariness and administrative high-handedness. The petitioner was not doing any illegal act. At the time of raid, he was possessing his own licensed arm, which was shown to the police on demand, but still he has been made accused in the case for no justifiable reason. It is urged that the Executive Officer, Nagar Parishad, Barh had already authorized one Madho Yadav to collect parking fee from the vehicle during *Maghi Purnima Mela* and the petitioner was working for said Madho Yadav.

4. *Per contra*, learned counsel appearing for the State submitted that the police got confidential information that in Gulabbagh mohalla near the house of Lallu Mukhiya, some other persons were illegally charging parking fee from the vehicle owners/drivers on the point of gun. On such information, a station



diary entry was made and in order to verify the information, a police party proceeded towards Gulabbagh mohalla at about 10:45 p.m. When the police party reached near the house of Lallu Mukhiya, it noticed that four persons hanging rifle on their shoulder were collecting parking fee from the vehicles being parked in the locality. On demand, they could not produce any paper to justify their action in realizing of parking fee. They were using licensed arms for terrorizing the owners/drivers of the vehicle and were forcibly collecting parking fee from them. Two of them were also drunk and on scientific test, it was confirmed that they were under the influence of alcohol.

5. On the basis of the aforesaid allegations, the case has been registered and investigation is going on.

6. He contended that at this stage, when the investigation is going on, the accused named in the FIR cannot take plea of innocence and invoke the jurisdiction of this Court under Article 226 of the Constitution of India seeking a high level inquiry into the action of police. He pleaded that the action of the police was fully justified and requires no inquiry at all.

7. I have heard learned counsel for the parties and perused the material available on record.



8. The allegations made in the FIR would certainly attract a cognizable offence. Once a cognizable offence is attracted, the action of the police in institution of a case can not be held to be bad. At this stage, there is no material before the court on the basis of which I can come to the conclusion that the FIR is tainted or biased.

9. It has rightly been pointed out by the learned counsel for the State that in the name of innocence, at the stage of investigation, an accused can not invoke the extraordinary jurisdiction of the court under Article 226 of the Constitution of India seeking constitution of a high level inquiry into the action of the police. Save and except the ocular assertion that the action of the police was unjustified, there is no material to corroborate such submission.

10. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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