

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.873 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- GRIYAK District- Nalanda

=====

Sampatia Devi, Wife of Late Birendra Mahto, Resident of Village - Chorsua,
Post - Chorsua, P.S.- Giriya, District- Nalanda Pin Code - 803115

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Department of Home, Patna.
2. The Inspector General of Police, Magadh Range, Gaya.
3. The Deputy Inspector General of Police, Magadh Range, Gaya.
4. The Superintendent of Police, Nalanda at Bihar Sharif.
5. The Station House Officer, P.S.- Giriya, Nalanda.
6. Ashok Prasad, Son of Late Satyadeo Mahto, Resident of Village - Chorsua,
P.S.- Giriya, District- Nalanda

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2019

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
directing the Superintendent of Police not to harass the
petitioner in connection with Giriya P.S. Case No.110 of 2019
instituted under Section 30(a) of the Excise Act against one
Ashok Kumar.

3. It is submitted by the learned counsel for the
petitioner that the petitioner is a widow and is not involved in



any manner with the offence alleged. However, the police are harassing her in connection with the aforesaid case.

4. On the other hand, learned counsel appearing for the State submitted that the prayer made by the petitioner can not be allowed. Even if a person is not named in the first information report, his/her name may transpire in course of investigation and no blanket direction can be given to the police not to involve a person in connection with a case, which is still under investigation.

5. I find substance in the submission of the learned counsel for the State.

6. Though the petitioner is not named in the first information report, no direction can be issued by this Court to the police not to involve her in the offence. At the stage of investigation into a cognizable offence, the Court has no say. It can not determine who is to be sent up for trial and who is to be let of. The role of the Court would start only after a police report is filed under Section 173(2) of the Code of Criminal Procedure before the court on completion of investigation.



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

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2019
Transmission Date	21.06.2019

