

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.956 of 2019

Arising Out of PS. Case No.-224 Year-2019 Thana- AGAMKUAN District- Patna

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Neha Kumari, W/o Suman Samir, D/o Rajendra Vishwakarma, Resident of
Chandmari Road, P.S.-Kankarbagh, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Ministry of Home, Government of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The Secretary, Ministry of Women and Child Welfare, Government of Bihar, Patna.
4. The Senior Superintendent of Police, District-Patna.
5. The Superintendent of Police, Patna City.
6. The S.D.P.O., Patna City Sub Division, Patna.
7. Officer- in -charge, Agam Kuan Police Station, Patna
8. Officer-in- charge, Mahila Thana Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Abhay Krishna, Advocate
For the Respondents-State: Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 19-06-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for issuance of a direction to the respondent no.2, the Director General of Police, Government of Bihar, Patna to get the investigation of Agamkuan P.S. Case No.224 of 2019 registered inter alia under Section 498A of the Indian Penal Code by constituting an honest special investigation team to bring out the truth.



2. Learned counsel for the petitioner submitted that the petitioner instituted the case against her husband Suman Samir and his family members on 03.03.2019 alleging that she was being subjected to cruelty by her husband and family members. Though the first information report was instituted on 03.03.2019, the accused persons have not been arrested so far. The police are not taking proper steps in course of investigation and the petitioner has lost hope in getting justice from the investigating officer who is investigating the case. He contended that in view of inaction on the part of police in apprehending the accused persons, the matter requires to be handed over to some special investigating team so that proper action in course of investigation may be taken place.

3. *Per contra*, learned counsel for the State submitted that the apprehension in the mind of the petitioner that the investigation is not fair or impartial is imaginary. There is no material on the basis of which it can be said that the investigation is tainted. The law does not mandate that immediately after institution of the first information report the accused persons must be arrested. He contended that there is no reason for change of investigating officer or investigating agency at this stage.



4. Having heard the parties and perused the record, I am of the opinion that the application filed by the petitioner is misconceived.

5. To hold investigation into a cognizable offence is the statutory right of the police. At this stage, neither the informant nor the accused has got any say. The investigation is supposed to be confidential in nature. Merely because the accused persons named in the first information report have not been apprehended by the police, there can not be any presumption that the investigation is tainted. The investigating agency can not act at the dictate of the informant. In absence of any material so show that the investigation is unfair or tainted, the prayer of the petitioner can not be allowed.

6. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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