

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1323 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

RAJESH KUMAR SUDHANSHU Son of Late Bhim Paswan Resident of
Mohalla-Mayaganj, P.O. and P.S.-Barari, District-Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department Bihar
2. Sr. Superintendent of Police, Bhagalpur. .
3. Mr. Nesar Ahmad Sah Son of Not Known the Deputy Superintendent of Police (Law and Order) Bhagalpur.
4. Mr. Dihal Ram Son of Not Known Investigating Officer, Jagdishpur Police Station, District-Bhagalpur.
5. Sri Ramratti Paswan Son of Late Jagdish Paswan Resident of Village-Parghari, P.S.-Rajoun, District-Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner : Mr.Vivekanand Vivek, Advocate
For the Respondent-State: Mr.M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 17-09-2019

The petitioner is the informant of Jagdishpur (Goradih)

P. S. Case No. 113 of 2019 dated 10.04.2019 registered under Sections 341, 323, 307, 379, 354(B), 504/34 of the Indian Penal Code. He has filed the present application for issuance of a direction to the respondent nos. 2 to 4 to investigate the case properly and submit charge sheet in terms of Section 173 of Code of Criminal Procedure (for short 'CrPC').

2. Learned counsel appearing for the petitioner submitted that though the statement of informant is fully



corroborated by other witnesses, namely, Asha Devi, Gauri Devi, Bhagirath Paswan, Basudeo Paswan and Jitendra Paswan in their statements recorded under Section 161(3) of CrPC, the petitioner has learnt from reliable resources that the investigating officer of the case is likely to file final report against the accused persons instead of submitting charge sheet.

3. Per contra, learned counsel appearing for the State submitted that the apprehension of the petitioner is without any foundation. The investigation into a cognizable offence is always confidential in nature. The hypothetical presumption of the informant of an FIR cannot be made basis for issuance of any direction to the investigating officer of the case.

4. Having heard learned counsel for the parties and perused the material on record, I find substance in the submission of learned counsel for the State.

5. To hold investigation into a cognizable offence is statutory right of the police. At the stage of investigation, neither the accused nor the informant can settle the term of investigation. Investigation into a cognizable offence is supposed to be confidential in nature. The Court cannot direct the police to submit charge sheet on mere asking of informant. The police report under Section 173(2) of CrPC is submitted on the basis of outcome of investigation. At



this stage, the court has no say. The role of the court would start only after the police report would be submitted before the court.

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

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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