

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.132 of 2019

Arising Out of PS. Case No.-139 Year-2015 Thana- BUNIYAD GANJ District- Gaya

=====

Baikunth Sharma late Ram Kalesh Singh, R/v- Nanak Police Station
Buniyaganj District Gaya at present at Mohalla Lakhi Bag, Police station-
Muffasil District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Home,
Government Of Bihar, and Ors Bihar.
2. The Director General of Police Bihar, Patna.
3. The Inspector General of Police Central Zone, Patna.
4. The Deputy Inspector General of Police, Magadh Range, Gaya.
5. The Senior Superintendent of Police Gaya.
6. The Officer-In-Charge of Buniyadganj Police Station, Gaya.
7. Dinesh Yadav Late Rameshwar Yadav, R/V- Moorkatta Police Station
Chandauti, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Sheo Shankar Prasad

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 14-02-2019

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

This writ petition has been filed for direction to the
respondent police authorities to make a fair and impartial
investigation in Buniyadganj P.S. Case No. 139 of 2015.

FIR was instituted on 02.08.2015 by one Dinesh
Yadav that his brother Upendra Yadav, Karu Yadav and two
other persons were returning from Balughat on their vehicle and
as they reached village Kukra, accused persons surrounded their



vehicle and accused persons dragged out the informant and his brother from the vehicle and on the order of accused Guddu Singh, Sukhi singh fired which hit the brother of informant Upendra Yadav and he fell down, thereafter accused O.P. Singh fired at the informant but same did not hit him. The brother of Sukhi Singh also fired but none was injured. On hearing the sound of firing, people assembled there and thereafter accused fled away. Upendra Yadav was taken to hospital where he succumbed to his injuries.

It has been submitted on behalf of the petitioner that his son Guddu Singh has been named in FIR by the informant out of political rivalry and he represented to the police authorities for proper investigation and necessary direction be given to investigating officer to examine the eye witnesses but no action was taken on his representation. The S.D.P.O., Wazirganj made supervision of the case and the witnesses of locality stated that son of petitioner was not present on the place of occurrence.

After investigation, the I.O. submitted final form on 16.09.2017 and eye witnesses of the occurrence were not examined by the I.O. Son of petitioner was granted anticipatory bail by Hon'ble High Court.



After investigation, the police has submitted charge sheet and it is for the trial court to take further steps on the basis of charge sheet and case diary and other materials available on record. Investigation in cognizable cases, police has exclusive jurisdiction to conduct the investigation and this Court cannot direct the police authorities to conduct investigation in a particular manner as same is within the domain of investigation officer. The investigation has already been concluded and police has submitted the charge sheet, as such, now it is for the trial court to take further action during which also petitioner will be having ample opportunity to raise their grievances at several stages during trial. The trial court is also vested with the power to direct further investigation in the matter and also to refuse to take cognizance/discharge any accused against whom there is lack of evidence or if there is false implication.

After hearing the parties, this Court does not find any merit in this writ application and it is accordingly dismissed.

(S. Kumar, J)

veena/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

