

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1219 of 2022

Arising Out of PS. Case No.-5 Year-2021 Thana- LALGANJ District- Vaishali

Putul Devi Wife of Late Bhushan Singh R/O Village- Purantand, P.S.- Lal-
ganj, Distt.- Vaishali

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary Home Department, Govern-
ment of Bihar, Patna
2. The Superintendent of Police Hajipur, Vaishali
3. The Dy. Superintendent of Police Sadar Hajipur Vaishali
4. The SHO lalganj vaishali
5. Ravindra Singh Son of Parikshan Singh R/O Village- Purantand, P.S.- Lal-
ganj, Distt.- Vaishali
6. Rajia Devi Wife of Deodeep Singh R/O Village- Purantand, P.S.- Lalgang,
Distt.- Vaishali
7. Vinay Singh Son of Haricharan Singh R/O Village- Purantand, P.S.- Lal-
gang, Distt.- Vaishali
8. Ashok Singh Son of Rameshwar Singh R/O Village- Purantand, P.S.- Lal-
gang, Distt.- Vaishali

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj, GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and Mr. Nadim
Seraj, learned GP-5 for the State.

Petitioner in this case is seeking a direction to the offi-
cial respondents to get the Lalganj P.S. Case No. 05 of 2021 and
Lalganj P.S. Case No. 131 of 2021 investigated by the Criminal In-
vestigation Department (CID) or through any other independent
agency. These cases relate to the alleged murder of the petitioner's
husband.



The petitioner has further prayed for a direction to the learned trial court to stay the trial of Lalganj P.S. Case No. 05 of 2021.

Mr. Majid Mahboob Khan, learned counsel representing the petitioner submits that the father of this petitioner had lodged a complaint case before the learned C.J.M., Vaishali and in exercise of his power under Section 156(3) Cr.P.C. the learned C.J.M. had directed the police to register a first information report, investigate the same and submit a report. Accordingly, police registered one FIR being Lalganj P.S. Case No. 131 of 2021 and after investigation submitted a final form. It is admitted that the said final form has been accepted by the learned jurisdictional Magistrate after notice to the petitioner.

Learned counsel submits that so far as Lalganj P.S. Case No. 05 of 2021 is concerned, presently the trial is going on.

Mr. Nadim Seraj, learned GP-5 for the State has opposed this application as according to him, the accused has no legal right to seek investigation of a case through an agency of his/her own choice.

Having heard learned counsel for the petitioner and the State and upon perusal of the records, this Court finds that so far as Lalganj P.S. Case No. 05 of 2021 is concerned, it is already under trial, therefore, no investigation is pending in this case. The pe-



petitioner is unable to make out a case for re-investigation. This Court agrees with the submission of the State that an accused has no legal right to seek investigation of a case through an agency of his own choice.

The writ application, as framed does not pray for re-investigation of the case.

Further, Lalganj P.S. Case No. 131 of 2021 has already been investigated and a final form has been submitted in the learned court below. The same has already been accepted.

Learned counsel for the petitioner does not dispute that the petitioner, if aggrieved by the order of the learned Magistrate accepting the final form has got her remedy and she may apply for the same in accordance with law before appropriate court in appropriate jurisdiction.

In the totality of the facts and circumstances of the case, this Court is of the considered opinion that the writ application, as framed, cannot be entertained and no relief may be granted.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

