

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1168 of 2023

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

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Rubi Devi W/O- Sri Mukesh Singh, resident of Village- Pandarak Ps-
Pandarak Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of Home Department, Bihar Bihar
2. The Director General of Police, Bihar Bihar
3. The Police Inspector General, Patna Bihar
4. The Senior Superintendent of Police, Bihar Bihar
5. The Superintendent of Police, Rural Bihar
6. The SDPO, Barh Bihar
7. The SHO of Barh Bihar
8. The Investigating Officer of Barh Case no- 523/21, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Krishna Jha, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-12-2023 This writ application has been filed for a direction to the respondents to investigate the case through an independent agency either by the C.B.I., C.I.D. or by S.I.T.

2. Learned counsel for the petitioner submits that Barh P.S. Case No.523 of 2021 has been registered under Sections 302, 307 and 120(B)/34 of the Indian Penal Code read with Section 27 of the Arms Act against the husband of the petitioner.

3. The contention of the petitioner is that her husband

has been falsely implicated in this case due to political rivalry as he was an office bearer of a political party.

4. Learned counsel for the State submits that in this case FIR has been lodged by the brother of the deceased who has named the husband of the petitioner as a conspirator. It is submitted that the police has properly investigated the case and upon investigation a charge-sheet and two supplementary charge-sheet have been filed against six accused persons, namely, Rakesh Singh @ Dablu Singh, Vikash Singh, Jay Ram Kumar, Suraj Sao, Kanhaiya Singh and Guddu Kumar @ Guddu Singh.

5. As regards the husband of the petitioner, it is submitted that he along with two other accused persons is absconding and process under Section 82 and 83 Cr.P.C. has been taken out.

6. In course of hearing of the writ application, learned counsel for the petitioner is unable to demonstrate as to why in the present case the investigation is required to be conducted through C.B.I. or any other agency. It is well settled that an accused has no right to choose an investigating agency and such order for investigation through another agency cannot be passed in a routine manner.

7. In the opinion of this Court, there is no material on the record to take a view for transfer of investigation to any other agency.

8. This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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