

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.308 of 2014

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Yadunandan Singh @ Yadu Singh, Son of Late Chaudhary Singh, Resident of village- Dih Gaonpur, P.S. Ujiarpur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Bihar, Patna
2. Director General of Police, Bihar, Patna
3. Deputy Inspector General, Laheriasarai, (Darbhanga).
4. The Superintending of Police, Samastipur
5. The Inspector of Police, Dalsinghsarai
6. The officer-in-Charge, Ujiyarpur P.S., District- Samastipur
7. Shankar Singh, Son of Late Shiv Narayan Singh, Resident of village Dih Gaohpur, P.S.- Ujiarpur, District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Respondent/s : Mr. Sanjay Pandey, GP-21

Mr. Vivek Anand Amritesh, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-01-2015

The petitioner has filed a complaint case in the Court of learned Additional Chief Judicial Magistrate, Dalsinghsarai, Samastipur on 23rd July, 2012. It was sent to police for investigation under Section 156(3) of the Code of Criminal Procedure pursuant to which Ujiyarpur P.S. case No. 54 of 2013

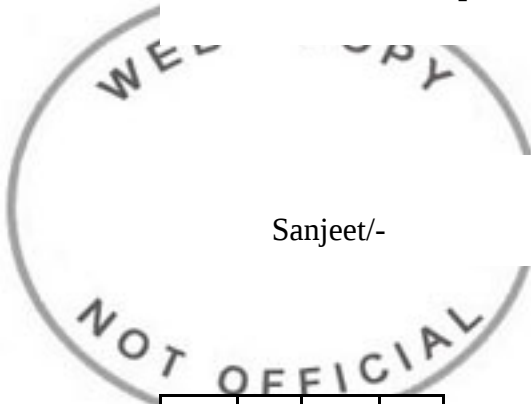
was registered in which respondent no. 7 was made named accused for the offences punishable under Sections 420, 406, 323, 379 and 504 read with 34 of the Indian Penal Code. The said case is under investigation.

It would appear from the writ petition itself that respondent no. 7 has also instituted Ujiyarpur P.S. Case No.139 of 2013 against the petitioner and his family members. The petitioner and respondent no. 7 are co-villagers. Admittedly, they are on litigating terms.

By filing the present application under Articles 226 and 227 of the Constitution of India, a prayer has been made to direct respondent nos. 1 to 6 to apprehend respondent no. 7 in connection with the case lodged against him.

In my view, the application is misconceived simply because a person is named in the FIR, it would not be proper for this Court to direct his arrest. To hold investigation into a criminal offence is the statutory duty of police. It is not expected from police that in each and every case, the moment an FIR is instituted, the police would apprehend the accused. Though the police have power to arrest an accused in a cognizable offence, still they may refrain from arrest, depending upon the circumstances unfurled in course of investigation.

For the reasons assigned hereinabove, I find no merit in
the present application. Accordingly, the writ petition is dismissed.



Sanjeet/-

(Ashwani Kumar Singh, J.)

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