

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.355 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

1. Sunil Kumar Singh S/o Ganesh Prasad Singh Resident of Village Baphasar
Sharma, P.S. Lalganj, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar Principal Secretary Department of Home Affairs, Patna.
2. The Deputy Inspector General of Police Tirhut Division, Muzaffarpur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Deputy Superintendent of Police (West) Muzaffarpur.
5. The Officer in charge Manihari Police Station, Muzaffarpur.
6. The Investigating Officer, Manihari Police Station, Muzaffarpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha
For the Respondent/s : M/S Yogendra Pd. Sinha,AAG 15 & Rajeev Kumar
Sinha,AC to AAG 15

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 28-01-2015

The petitioner is the informant of Manihari P.S. Case No. 162 of 2011 registered for the offences punishable under sections 341, 324, 307, 120B, 379, 34 of the Indian Penal Code and 27 of the Arms Act.

It appears that the petitioner is aggrieved by the manner in which the investigation is being kept pending for over three years. By filing the present application under Articles 226 and 227 of the Constitution of India, a prayer has been made to direct the respondents to fairly investigate the aforesaid case and take action against the persons, named in the first information report.

In my view, the application is misconceived. At the stage of investigation, the Court has no role to play. To hold investigation in a criminal case, is the statutory right of the police. The police are not expected to mechanically arrest each and every person named in the first information report. They can defer the arrest of the named accused persons on the basis of materials unfolded in course of investigation.

For the reasons assigned hereinabove, I do not find any merit in the application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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