

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.718 of 2014

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1. Ram Dayal Rai son of late Bindhyachal Rai resident of village - P.O. Dehari, P.S. Rajpur, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar, through the Department of Home Affairs, Bihar at Patna
2. The Director, General of Police, Bihar, Patna
3. The I.G. of Police
4. The I.G. of Police Sachawali at Delhi
5. The Superintendent of Police, Buxar at Buxar
6. Guddu Rai @ Dhanajay Rai son of Subhash Rai resident of village - Dihari, P.S. Rajpur, District - Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Bihari

For the Respondent/s : Mr. M.K.Upadhyay, A.C. to GP10

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-02-2015 The petitioner is informant of Rajpur (Buxar) P.S.Case No. 205 of 2013 registered for the offences punishable under sections 384 and 506 of the Indian Penal Code.

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a direction to the respondents to arrest the main accused of the aforesaid police case.

In my view, the application is misconceived. Since the case is under investigation, the police are not expected to act mechanically to arrest the accused as soon as the report is lodged. If an information relating to cognizable offence is brought to the

notice of the police officer, though he has power to arrest, he can still refrain from arresting the person depending upon the nature of the offence and the circumstances unfurled not only in the F.I.R. but also in course of investigation.

In that view of the matter, the application being devoid of any merit is dismissed.

(Ashwani Kumar Singh, J)

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