

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.919 of 2014

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Sunil Kumar son of Late Umesh Prasad, resident of village - Lajo, P.S. -
Pali, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The Director General of Police, Bihar, Patna.
 3. The Deputy Inspector General of Police, Central Range, Patna.
 4. The Senior Superintendent of Police, Patna.
 5. The Rural Superintendent of Police, Patna, District - Patna.
 6. The Deputy Superintendent of Police, Masaurhi, District -Patna.
 7. The Station House Officer of Kadirganj Police Station - District - Patna.
 8. Daroga Prasad son of Sri Pravesh Prasad
 9. Sambhu Prasad son of Sri Ram Pravesh Prasad
 10. Nawal Prasad son of Late Karu Prasad
 11. Bijendra Prasad son of Late Rajo Prasad
 12. Mamalji Prasad son of Sri Nawal Prasad
- All residents of village- Pandey Bigha, P.S. - Kadirganj, District -
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Respondent/s : Mr. Chhotelal Mishra, A.C. to G.A.-13

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 26-03-2015 The petitioner is informant of Kadirganj P.S. Case No.38

of 2014 registered for the offence punishable under section 302

read with 34 of the Indian Penal Code.

In this application under Articles 226 and 227 of the
Constitution of India, a prayer has been made to direct the
respondent concerned to arrest the accused persons named in the
first information report of the aforesaid Kadirganj P.S.Case No.38
of 2014.

Learned counsel for the petitioner has submitted that

despite lapse of over nine months, the police have taken no action to arrest the named accused persons. They are sitting tight over the matter and the accused persons are roaming free.

Learned counsel for the State has contested the matter. He has submitted that the police are conducting free and fair investigation into the matter. According to him, if sufficient material would come against the accused persons, the police would certainly apprehend them.

Be that as it may, section 41 of the Code of Criminal Procedure gives discretion to the police to arrest a person involved or suspected to be involved in a cognizable offence. However, such arrest is not to be made mechanically in all cases immediately after institution of the FIR. It depends upon several facts which transpire in course of investigation.

In my view, it would not be proper at this stage for this Court to direct the police either to arrest or not to arrest the accused persons. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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