

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.21 of 2015

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Soni Kumari @ Soni Devi, Wife of Manmohan Yadav, D/o Mahesh Kumar, at
present resident of Ashochak, Nandlal Chhapra, P.S-Ram Krishna Nagar, Town and
Distt.-Patna Petitioner

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Deptt. of
Home, Govt. of Bihar, Patna
 2. The Senior Superintendent of Police, Patna
 3. The City Superintendent of Police, Patna
 4. The Officer-in-Charge, Ram Krishna Nagar Police Station, Town and Distt.-
Patna
 5. Shri Bhola Chaudhary, Investigation Officer-Cum-Sub Inspector, Ramkrishna
Nagar P.S. Case No.216/2013, Ram Krishna Nagar Police Station, Town and Distt.-
Patna Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate
For the Respondent/s : Mr. Ajay, GA-12

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-08-2015

The petitioner is the informant of Ram Krishna Nagar
P.S. Case No. 216 of 2013 registered, inter alia, under Section 498-A
of the Indian Penal Code as well Section 3 & 4 of the Dowry
Prohibition Act.

By filing this application under Articles 226 and 227
of the Constitution of India, she seeks a direction to be issued to the

respondents to arrest the accused Manmohan Yadav, her husband, who has been made named accused in the FIR.

In my view, the present application is misconceived. Admittedly, the case is still under investigation. Section 41 of the Code of Criminal Procedure gives discretion to the police officer who may without an order of a Magistrate or even without a warrant, arrest any accused in the situation enumerated in that section. It is open to the investigating agency in course of investigation to arrest any person who is wanted in connection with any cognizable offence or against whom reasonable complaint or credible information has been received. However, at the stage of investigation, it would not be proper for this Court to make any direction to arrest an accused named in the FIR. There may be a case of false implication. For this purpose, a duty is cast upon the police to investigate the case after registration of the FIR and find out the truth.

For the reasons recorded hereinabove, I am not inclined to accede to the request made by the learned counsel for the petitioner. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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