

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.224 of 2014

Arising Out of PS.Case No. -71 Year- 2013 Thana –Navi Nagar District- AURANGABAD

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1. Prema Devi Wife Of Late Bindeshwari Paswan Village - Chirally, Panchayat
Bellai, P.S. - Navinagar, District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar Through The D.G.P., Patna.
2. The Inspector General Of Police, Aurangabad
3. The Superintendent Of Police, Aurangabad
4. The Sub Divisional Police Officer, Aurangabad
5. The Officer In Charge, Navi Nagar, P.S. Aurangabad, District - Aurangabad
6. Mulayam Yadav Son Of Rampati Yadav Resident Of Village - Chirally, P.S. -
Navi Nagar, District - Aurangabad
7. Mulayam Yadav @ Alak Yadav Son Of Rajendra Yadav, (Son In Law Of
Rampati Yadav) Resident Of Village– Japla, P.S. Japla, District- Palamu,
Jharkhand
8. Ramakant Yadav Son Of Ram Vilash Yadav Resident Of Village - Chirally, P.S.
- Navi Nagar, District - Aurangabad
9. Srikant Yadav Son Of Ram Vilash Yadav Resident Of Village - Chirally, P.S. -
Navi Nagar, District - Aurangabad
10. Rampati Yadav Son Of Saryu Yadav, Resident Of Village - Chirally, P.S. -
Navi Nagar, District - Aurangabad
11. Tallu Yadav Son Of Saryu Yadav, Resident Of Village - Chirally, P.S. - Navi
Nagar, District - Aurangabad
12. Jaswant Singh Son Of Balkesh Singh Resident Of Village - Chirally, P.S. - Navi
Nagar, District - Aurangabad
13. Balkesh Singh Son Of Late Mahavir Singh, Resident Of Village - Chirally, P.S.
- Navi Nagar, District - Aurangabad
14. Pankaj Singh Son Of Surendra Singh Resident Of Village - Chirally, P.S. - Navi
Nagar, District - Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms Alka Verma

For the Respondent/s : Mr. Md. Shahid Siddiqui, A.C. to AAG-9

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-01-2015

By filing the present application under Articles 226 and
227 of the Constitution of India, the petitioner has prayed for issuance
of mandamus to the respondent authorities to arrest respondent nos.6 to
14, who have been made named accused in Navi Nagar P.S.Case No. 71
of 2013 registered for the offences punishable under sections 364 and

302 read with 34 of the Indian penal Code as well as section 27 of the Arms Act.

It has been contended that the investigation of the case is not being conducted in a fair and impartial manner and the accused persons named in the F.I.R. are moving freely.

Referring to the contentions advanced in the counter affidavit, learned counsel for the State submits that the investigation of the case is in progress and till date no positive evidence could be collected against the named accused persons. There are materials to show involvement of 10-15 unknown MCC Extremists, who were involved in the alleged occurrence.

Be that as it may, at the stage of investigation the Court has no role to play. The police are not supposed to act mechanically in each and every case and arrest the accused persons as soon as the report is lodged. If an information relating to a cognizable offence is brought to the notice of the police, though they have power to arrest, still they can refrain from arresting the persons depending upon the circumstances revealed in course of investigation.

For the reasons stated herein above, I find no merit in the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

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