

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.61 of 2014

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Maheshwar Prasad Singh @ Maheshwar Singh, Son of Late Raghahadur Singh, Resident of Village - Ghatamo Tola Ramnagar, P.S.-Kartahan, District - Vaishali

.... Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The Inspector General of Police Bihar, Patna
3. The District Magistrate, Vaishali
4. The Superintendent of Police, Vaishali
5. The Officer Incharge, Kartahan Police Station District-Vaishali

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar @ Vijay Kumar Singh, Advocate

For the Respondents : Mr. Dhurjati Kr. Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-01-2015

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is informant of Kartahan P.S. Case No. 78 of 2013 registered for the offence punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

By filing the instant application under Article 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a direction upon the respondents to arrest the accused persons named in the first information report of Kartahan P.S. Case No. 78 of 2013.

In my view, the writ petition is misconceived. If an

information relating to a cognizable offence is brought to the notice of the police officer, though he has power to arrest, he can still refrain from arresting person, depending upon the nature of the offence and circumstances revealed not only in the FIR but also during course of investigation. The police is not expected to act mechanically in all cases to arrest the accused as soon as the report is lodged. At the stage of investigation the Court has no role to play.

In that view of the matter, I find no merit in the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

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