

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.199 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

Narendra Kumar, Advocate son of Late Jawahar Ram, Resident of Mohalla- Chhoti Badalpura, P.S. -Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police Bihar at Patna.
2. The Inspector General of Police, District- Patna.
3. The Deputy Inspector General of Police, District- Patna.
4. The Senior Superintendent of Police, Patna, District Patna.
5. The Additional Superintendent of Police, Danapur, District- Patna.
6. The Dy. S.P. Danapur, District- Patna.
7. The Officer-in- Charge of Khagaul Police Station, District- Patna.
8. The Investigating Officer of Khagaul P.S. Case No. 214/2013, dated 24.9.2013.

.... Respondent/s

Appearance :

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

For the Respondent/s : Mr. Rakesh Kumar Singh, A.C. to G.P.-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 21-01-2015

The petitioner is informant of Khagaul P.S. Case No.214 of 2013 dated 24.9.2013 registered for the offences punishable under sections 341, 323, 379 and 427 read with 34 of the Indian Penal Code as well as section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The grievance of the petitioner is that despite there being report regarding a cognizable offence, the police are not apprehending the accused persons. 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 accused depending upon nature of offence and circumstances surfaced not only in the FIR but also during course of investigation. The police are not expected to act mechanically in all cases to arrest the accused. As soon as a report is lodged, the court has no role to play. In my view, the application is misconceived.

For the reasons assigned hereinabove, I find no merit in the present application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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