

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.213 of 2014

Arising Out of PS.Case No. -352 Year- 2013 Thana -Masaurhi District- PATNA

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Anil Kumar S/O Late Deonandan Prasad Resident Of Village- Kumharar Naya Tola
(Ghera), P.S.- Agam Kuan, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Government Of Bihar, Patna
2. The Director General Of Police (D.G.P.) Patna Bihar
3. The Senior Superintendent Of Police (S.S.P.) District- Patna
4. The Gramin S.P. District- Patna
5. The D.S.P. Sub Division Masaurhi District- Patna
6. The Officer In Charge Masaurhi Police Station, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv.

For the Respondent/s : Mr. Pramod Kumar Singh, A.C. to SC 12

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-01-2015

The petitioner is the informant of Masaurhi P.S.Case No. 352 of 2013 registered for the offences punishable under sections 420, 406, 467, 504 and 379 read with 34 of the Indian Penal Code.

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents to arrest the named accused persons of the aforesaid case.

In my view, the prayer made on behalf of the petitioner cannot be allowed for the simple reason that the police are not expected to act mechanically in all cases to arrest the accused persons

as soon as the report is lodged. At the stage of investigation, the Court has no role to play. Even if an accused is named in the F.I.R., the police can refrain themselves from arresting the accused persons depending upon the nature of offence and the circumstances revealed in course of investigation.

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

(Ashwani Kumar Singh, J)

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