

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.876 of 2014

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Most. Dulari Devi, widow of Late Sagar Paswan, resident of village-
Barijana , P.S.- Khodawandpur, (Chaurahi O.P), District- Begusarai

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Begusarai.
3. The Director General of Police, Bihar, Patna
4. The Superintendent of Police, Begusarai
5. The S.H.O. S.C/S.T. Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh
For the Respondent/s : Mr. P.S. Sahay (SC- 31)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 17-04-2015

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The present petition has been filed for a direction to the respondent authorities to arrest and produce the accused persons of S.C/S.T Begusarai P.S. Case No. 26 of 2014 before the learned Court concerned for trial.

3. It is submitted that despite considerable time having elapsed since lodging of the F.I.R., neither any chargesheet has been filed nor any arrest has been made.

4. A counter affidavit has been filed on behalf of Respondent Nos. 4 and 5, stating on the other hand that in course of investigation it has come to light that no such occurrence as alleged in the F.I.R. has taken place. Inasmuch as a false case has been lodged by reason of a land dispute between the petitioner and the accused persons, no arrests have been made. It is stated that

fair and proper investigation has been made in the case in an unbiased and impartial manner.

5. In my considered opinion, the writ petition is misconceived. The police is under legal obligation to conduct fair investigation as expeditiously as possible. While conducting investigation, the police have power and authority to arrest an accused under Section 41 Cr. P.C., but such power and discretion is coupled with a duty for its exercise with great care and caution. Arrests of accused persons ought not to be made instantly in a mechanical manner merely on the institution of an F.I.R. rather the police is required to determine the veracity of the allegations contained in the F.I.R. in course of investigation.

6. In the instant case, it has been stated that investigation has shown that a false case has been instituted by the petitioner in the backdrop of a land dispute and in that circumstance it would not be proper for this Court to issue directions for the arrest of accused persons. Needless to say, it is expected that the investigation would be concluded expeditiously.

7. In the above view of the matter, I do not find any merit in the writ petition which accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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