

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.413 of 2014

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Muneshwar Singh S/o Late Ram Swaroop Singh, Resident of Village -Tara Chauri,
P.S.- Mahnar, District- Vaishali. Petitioner

Versus

1. The State of Bihar.
2. The Superintendent of Police, Vaishali at Hajipur.
3. The Sub Divisional Police Officer, Mahnar, District -Vaishali.
4. Station Home Officer, Mahnar Police Station, District -Vaishali.
5. Anupa Kumari, W/o Dr. Rajesh Kumar, at present posted as Executive Officer,
Mahnar, Police Station -Mahnar, District -Vaishali.

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. Uday Bhan Singh, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-02-2015

The petitioner apprehends his arrest in connection with Mahnar P.S. Case No. 22 of 2014 registered for the offences punishable under Sections 353, 304 and 506 of the Indian Penal Code.

The said case was registered on the basis of a written report submitted by one Anupa Kumari on 7th February, 2014 to the Officer-in-charge, Mahnar against unknown accused persons. It

appears that in course of investigation, the police found involvement of the petitioner in the alleged offence.

In the instant application filed under Articles 226 and 227 of the Constitution of India the petitioner seeks a direction to be issued to the respondent no. 2 to 4 not to arrest the petitioner in the aforesaid case.

In my view, the application is thoroughly misconceived. If a person apprehends arrest at the hands of police in connection with a cognizable offence, he may seek remedy under Section 437 or 438 of the Code of Criminal Procedure but a writ petition under Articles 226 and 227 of the Constitution of India for a direction to the respondents not to arrest the suspected accused would not be maintainable.

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

(Ashwani Kumar Singh, J.)

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