

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.832 of 2014

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

Abhay Kumar, Son of Late Ramanand Singh, R/o - Village - Mataso, P.O. - Ekamba, P.S. - Fatehpur, District - Gaya, presently residing at Gali No. - 1 1/2 Prithvipur, Chiiriyatnad, P.S - Kankarbagh, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Home (Police) Department, Bihar, Patna
2. Divisional Rail Manager, Danapur,
3. Senior Engineer Carriage and Vagan, Jhajha East Centre, Railway, Jhajha
4. Officer Incharge, G.R.P., Jhajha Railway
5. Superintendent of Police, Jamui, District - Jamui
6. Superintendent of Police, Railway, Jhalpur,
7. General Manager, East Central Railway Zone, Hajipur.
8. Amrendra Kumar, Son of Sri Awadesh Prasad Singh, R/o - Village - Singhol
9. Sabnam Kumari, Wife of Amrendra Kumar R/o - Village - Singhol

.... Respondents

Appearance :

For the Petitioner/s : Mr. Helal Ahmad, Advocate

For the Respondent/s : Mr. Parmeshwar Vishwakarma, AC to GP-28

For the Railway : Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-03-2015

Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel appearing on behalf of the Railways.

In the instant application filed under Article 226 of the Constitution of India, the petitioner seeks a direction to be issued by this Court to the respondents to execute the order dated 7.8.2013 passed by the learned Magistrate-1st Class, Patna in Kankarbagh P.S. Case No. 19 of 2012 whereby the learned Magistrate has issued warrant of arrest against the respondent no. 8 Amarendra Kumar.

In my view, the application is thoroughly misconceived. This Court while exercising the writ jurisdiction cannot be denigrated to the level of an executing Court of the order passed by the Magistrate.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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