

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.100 of 2014

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1. Pinki Maya Wife Of Sri Bansidhar Brajwasi Resident Of Village - Raksa,
P.S.- Karja, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar,
Patna.
2. The Additional Director General Of Police, Vigilance Investigation
Bureau, Bihar, Patna.
3. The Superintendent Of Police, Vigilance Investigation Bureau,
Muzaffarpur.
4. The Superintendent Of Police - Cum - Station Head, Vigilance Police-
Station, 6, Circular Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Respondent/s : Mr. N.K.Singh (Sc2)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 15-01-2015

In the present application filed under Articles 226

and 227 of the Constitution of India, the prayer of the petitioner in

paragraph 1 is as under :-

“1. That, this writ application on behalf of the
petitioner above named is for the following

RELIEFS :

- (I) For issuance of an appropriate writ in the nature
of MANDAMUS, commanding and directing
the Respondent Authorities to arrest the First
Information Report named accused of
Vigilance P.S. Case No. 03 of 2013 dated
16.01.2013, registered for the offences under
Sections 409, 420, 467, 468, 471, 477A and
120(B)/34 of the Indian Penal Code and Section
13(1)(d) read with Section 13(2) of the
Prevention of Corruption Act and also take
proper action against them since the First
Information Report named accused persons are
evading their arrest in connivance with the
police officer and still they indulged in
misappropriation of public money.
- (II) For issuance of any other writ/writs,
order/orders, direction/directions for which the

writ petitioner would be found entitled under the facts and circumstances of the case.”

In the aforesaid police case one Upendra Prasad Singh is the informant. Learned counsel for the petitioner has submitted that the said Upendra Prasad Singh instituted the F.I.R. pursuant to a complaint made by the petitioner and some others. The allegations made in the F.I.R. relate to misappropriation of funds of MANREGA.

Be that as it may, the nature of relief sought for by the petitioner cannot be allowed by this Court in writ jurisdiction. If an information relating to a cognizable offence is brought to the notice of the police officer, though the Investigating Officer of the case has power to arrest, he can still refrain from arresting persons depending upon the nature of offences and circumstances revealed in course of investigation. The Investigating Officer is not expected to act mechanically in all cases to arrest the accused as soon as the offence is leveled. At the stage of investigation, the Court has no role to play.

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

(Ashwani Kumar Singh, J)

Pradeep/-

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