

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.186 of 2014

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Md. Sadre Alam, S/o Md. Attiqur Rehman, Resident of Village- Harna, Police
Station- Rudrapur, District- Madhubani Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Superintendent Police, Madhubani
3. Officer in Charge, Rudrapur Sub Division Jhanjharpur, District- Madhubani
4. Sub-Inspector, Sudrapur Police Station (Investigating Officer), Madhubani
5. Abdul Zabbar S/o late Abdul Sattar,
6. Tahsin Equbal
7. Tahsif Equbal, both Sons of Md. Abdul Zabbar;
8. Md. Azhar, son of late Zahir

All resident of Village-Harna, P.S.-Rudrapur, District-Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate

For the Respondent/s : Mr. Praveen Kumar, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-01-2015

The petitioner is not the informant of Rudrapur P.S.

Case No. 60 of 2014 registered for the offences punishable under
Sections 341, 323, 324 and 307 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 respondent nos. 2 to 4 to take immediate steps to arrest the accused persons named in the FIR.

In my view, the application is misconceived. The petitioner has no *locus standi* in the matter. Even otherwise, to hold investigation in a cognizable offence is statutory right of the police. It is not necessary that if a person is named in the FIR, the investigating agency would be bound to arrest him. Though, the police have the power to arrest an accused of a cognizable offence but they may refrain from arresting persons depending upon the circumstances unfurled during course of investigation.

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

(Ashwani Kumar Singh, J.)

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