

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.89 of 2015

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

1. Suraj Kumar Son of Late Narendra Kumar Resident of Bambhai. P.S.- Shahar Telpa O.P, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Magadh Range, Patna.
5. The Superintendent of Police, Arwal.
6. The Dy. S.P, Arwal.
7. The S.H.O-cum- Police Inspector, Mahendia Police Station, District- Arwal.
8. Shekhar Kumar @ Ghantu
9. Dharendra Kumar @ Dhiraj son of late Harishankar Singh Resident of village- Bambhai, P.S- Shahar Telpa, District- Arwal.
10. Dinanath Singh Son of Suresh Singh Resident of village- Bambhai, P.S- Shahar Telpa, O.P District- Arwal.
11. Uma Shankar Singh Son of Rajeshwar Singh Resident of village- Bambhai, P.S- Shahar Telpa, O.P District- Arwal.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Respondent/s : Mr. M. Prasad, GP-12

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-08-2015

The petitioner is the informant of Mehendiya P.S.Case No. 14 of 2014 registered under sections 302 read with 34 of the Indian Penal Code and 27 of the Arms Act. The present writ application has been filed seeking a direction to be issued to the official respondents to immediately arrest respondent nos.8 to 11 in connection with the aforesaid police case.

In my view, the writ application is misconceived. It is

true that once a case is registered, the investigating agency is duty bound to investigate the case but it is not imperative for the investigating agency to arrest the accused named in the FIR. If the police find material in course of investigation against the accused named in the FIR, it is open for it to arrest the person involved in a cognizable offence. However, there may be a case of false implication also and for this purpose a duty is cast upon the investigating agency to find out the truth after institution of the FIR and submit a report under section 173 of the Code of Criminal Procedure before the Magistrate concerned.

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

(Ashwani Kumar Singh, J)

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