

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.806 of 2016

Arising Out of PS.Case No. -533 Year-2014 Thana -Kadamkuan District- PATNA

Mahendra Ram, Son of Late Sipahi Ram, resident of village - Parmanpur, Post office Amehta, Police Station- Dawath, District Rohtas (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar, Patna
3. The Senior Superintendent of Police, Patna, District Patna
4. The A.S.P., Patna District Patna
5. The Officer -in-Charge, Kadamkuan, Police Station, District Patna
6. The Investigation Officer, Kadamkuan Police Station Case No. 533/2014 Police Station- Kadamkuan, District Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate.
Mr. Madhuprasun, Advocate.

For the Respondent/s : Mr. Md. Harun Quareshi, A.C. to S.C. 1.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 19-09-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 29th of July, 2016 whereby, the learned Sessions Judge, Patna has set aside the order of non-bailable warrant of arrest issued against Krishna Nand Singh and others, *inter alia*, for the reason that similar warrant of arrest issued against Krishna Nand Singh and others on 12th of June, 2015 was set aside in Cr. Revision No. 410 of 2015 on 1st of July, 2015.

3. The petitioner is the informant on whose complaint,



First Information Report bearing Kadamkuan P.S. Case No. 533 of 2014 was lodged. The First Information Report is to the effect that accused has a contract of quarrying Quartz (Silica) in about 39.32 acres of area in Lakhisarai district for a period of 30 years and that he has induced the Scheduled Castes, Dalits and other poor persons to grab crores of rupees.

4. The accused has earlier approached this Court for quashing of the First Information Report by filing Cr.W.J.C. No. 887 of 2015 (Krishna Nand Singh Vs. The State of Bihar & Ors.), which was disposed of on 23rd of September, 2015 with a direction to the Investigating Officer to complete the investigation within a period of two months.

5. The learned Sessions Judge while setting aside the non-bailable warrant of arrest has ordered that no coercive steps shall be taken against Krishna Nand Singh & others unless the Investigating Officer brings some material on record in the court below.

6. I do not find any reason to interfere with the order passed by the Sessions Judge on 29th of July, 2016. The accused cannot be arrested only for the reason that a First Information Report stands lodged. There has to be material on the basis of which the accused can be arrested. The order of this Court is to complete the

investigation. The order of Sessions Judge is to the effect that the Investigating Officer should bring material on record only then the accused can be ordered to be arrested cannot be said to be arbitrary or illegal.

7. I do not find any error in the order passed by the learned Sessions Judge which may warrant interference in the writ jurisdiction of this Court.

8. The writ application stands dismissed accordingly.

(Hemant Gupta, J)

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