

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.568 of 2015

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

Najmin Khatoon wife of Late Sunnu Ansari, resident of Ward No. 10, Rampur Dakshin Panchayat, P.S. Forbesganj, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Darbhanga Zone, Darbhanga.
3. The Deputy Inspector General of Police, Purnea Range, Purnea.
4. The Superintendent of Police, Forbesganj, Araria.
5. The Sub Divisional Police Officer, Forbesganj, Araria.
6. The Investigating Officer-cum-Inspector of Police-cum-Officer Incharge, Forbesganj, Araria.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
: Mr. Ambrish Rahul, Advocate
For the State : Mr. P.K.Verma, AAG-5
: Mr. Saroj Kumar Sharma, A.C. to AAG-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-05-2016

By way of the present writ petition preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents to arrest the accused persons named in connection with Forbesganj P.S.Case No.655 of 2014 dated 25.9.2014. The further prayer of the petitioner is to direct the respondents to conduct the investigation in a fair and impartial manner.

The petitioner has made two prayers in the present writ petition preferred under Articles 226 and 227 of the Constitution of

India. Firstly, to direct the respondents to arrest the accused persons named in connection with Forbeshganj P.S. Case No.655 of 2014 dated 25.9.2014 and secondly, to direct the respondents to investigate the case in a fair and impartial manner.

2. It has been contended by the learned counsel for the petitioner that though the FIR was registered on 25.9.2014 with allegation that the husband of the informant was killed by four persons named in the FIR, the police have taken no steps to arrest them.

3. On the other hand, learned counsel for the State has submitted that from perusal of the allegations made in the FIR, it would be evident that the informant is not an eye witness to the occurrence and only suspicion has been raised against the accused persons named in the FIR.

4. Be that as it may, to hold investigation into a cognizable offence is the statutory right of the police. Section 41 of the Code of Criminal Procedure confers power upon the police to arrest a person against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence.

5. At the stage of investigation, it would not be proper for this Court to direct the police to arrest any person who has been made

accused in a cognizable offence as on completion of investigation the police may find accusation made against the accused named in the FIR to be false.

6. In that view of the matter, I find no substance in the first prayer of the petitioner. So far as second prayer is concerned, there is nothing on the record to show that a proper and fair investigation is not being conducted in the matter. In that view of the matter, I am not inclined to issue any direction in this regard.

7. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	
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