

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.923 of 2015

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

Kameshwar Singh son of Late Munshi Singh, Prabandhak Prabandh Samitee, Janak Jainath Saryug Inter Mahavidyalaya, Belamegh, District- Samastipur, resident of village- Belamegh, Vaya- Ujiyarpur, P.S.- Ujiyarpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Old Secretariat, P.S.- Gardanibagh, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Deputy Superintendent of Police, Dalsingsarai, Sub Division- Dalsingsarai, District- Samastipur.
5. The Station House Officer, Ujiyarpur, Police Station- Samastipur.
6. Raj Kishore Singh son of Late Jagdish Narayan Singh, resident of village & Post Office- Rajajan, Police Station- Mohiuddin Nagar, District- Samastipur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr. Manoj Kumar Ambastha, GP-14
For Opp, Party No.6 : Mr. Deepak Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 19-02-2016

By way of the present application 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 named in the FIR in Ujiyarpur P.S. Case No.230 of 2013 registered under sections 409 and 420 of the Indian Penal Code.

2. It has been contended by the learned counsel for the petitioner that the police are sitting tight over the matter and no action is being taken to apprehend the accused named in the FIR.

3. On the other hand, learned counsel for the State has contended that a fair and impartial investigation is being conducted and proper action in accordance with law would be taken if culpability of the accused would be found during investigation.

4. Be that as it may, to hold investigation is the statutory right of the police. Since the matter is under investigation, it is for the police to see whether or not arrest of the accused is warranted in the case. At this stage, it would not be proper for this Court to issue any direction to the police to arrest the named accused.

5. Accordingly, the application, being devoid of any merit, is, hereby, dismissed.

Md.S./-

(Ashwani Kumar Singh, J)

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