

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.921 of 2015

Arising Out of PS.Case No. -155 Year- 2014 Thana -Gaurichak District- PATNA

1. Ram Chander Kewat son of late Tirloki kewat, Resident of Village- Abadullah Chowk, P.S Gaurichak, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar
2. The Director General of Police Govt. of Bihar.
3. Inspector General of Police, Patna Range, Patna.
4. The Deputy Inspector General of Police, Patna Range, Patna.
5. Senior Superintendent of Police, Patna.
6. officer-in-charge/Station House Officer, P.S Gaurichak, Patna.
7. Investigating officer of Gaurichak P.S Case No. 155/2014

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Respondent/s : Mr. Ajay Behari Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-02-2016

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 immediately arrest the accused persons named in the FIR of Gaurichak P.S.Case No. 155 of 2014 dated 15.06.2014 registered under sections 341, 323, 379 and 506/34 of the Indian Penal Code.

It is contended by learned counsel for the petitioner that the investigation of the case is not being done in a fair and impartial manner. The Police are sitting right over the matter and the accused

persons named in the FIR have not been arrested so far.

Be that as it may, to hold investigation into a cognizable offence is the statutory duty of the Police. At this stage, the Court has no role to play. Whether or not arrest of an accused named in the FIR is warranted, depends on several factors which may emerge during investigation of the case. The Police are not supposed to arrest a person named in the FIR mechanically. At the stage of investigation, it is for the Police to find out the veracity of the allegations made in the FIR and the necessity of arrest of any accused.

In view of the observations made hereinabove, since the matter is under investigation, no direction can be issued to the Police to arrest the accused persons named in the FIR.

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

(Ashwani Kumar Singh, J)

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