

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.515 of 2015

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

1. Arjun Prasad S/o Sri Dev Sharan Chauhan Resident of Mohalla Shastri Nagar,
Aurangabad, P.S. and District Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Patna (Bihar).
2. The Director General of Police, Govt. of Bihar, Patna (Bihar).
3. The Additional Director of Police, Central Investigation Department, Patna.
4. The Director, Economic Offence Unit, Govt. of Bihar, Patna.
5. The Inspector, C.I.D. Aurangabad, District Aurangabad.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma
For the Respondent/s : Mr. R. R. K. Pandey, & Mr. N. Siraj.
For the E.O.U. Mr. V. N. P. Sinha, Sr. Advocate &
Mr. Vijay Anand.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-02-2016

By way of the present application under Articles 226 and 227 of the Constitution of India, petitioner seeks a direction upon the respondent authorities to make arrest of the accused persons associated with the affairs of Oven Commercial Private Limited against whom several cases have been instituted.

In my view a blanket order to arrest all the accused persons in all the cases associated with a Company in which a Company has been made accused cannot be passed by this Court in writ jurisdiction. Section 41 of the Code of Criminal Procedure, 1973



gives discretion to the police, who may, without any order from a Magistrate or even without a warrant, arrest any person in the situation enumerated in that section. It is open to the investigating agency, in course of investigation, to arrest any person who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concern. However, the same does not mean that the moment a first information report is instituted the police should arrest all the accused persons named in the first information report. During investigation the allegations may be found to be false and in that circumstance, the police have option to file a final report. Moreover, the present writ petition is not in the nature of Public Interest Litigation. It has not been stated in the application that the petitioner is the informant or complainant of the cases in which he wants arrest of the accused persons named in the first information report.

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

(Ashwani Kumar Singh, J)

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