

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.840 of 2017

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Mala Devi, W/o - Shailesh Kumar, resident of Mohalla Badi Yusufpur, P.S.
- Industrial Area, Hazipur, District - Vaishali

.... Petitioner

Versus

1. The State of Bihar through Superintendent of Police, Vaishali at Hajipur.
2. The Officer-in-Charge (S.H.O.), Industrial Area Police Station, Vaishali at Hajipur.
3. Arvind Kumar Sinha, S/o Late Ayodhya Prasad Sinha, Permanent resident of Ayodhya Phawan, Besides the Clinic of Dr. Ajit Kumar, Tilak Nagar, Behind J.K. High School, Ward No. 11, within Begusarai Municipality, P.S. Sadar, District - Begusarai, At Present - Resident of Mohalla Indrapuri Colony, H/o - Upendra Giri, East of R.N. College, P.S. Town, Hazipur, District- Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravi Kumar, Advocate
Mr. Rajiv Ranjan Singh, Advocate
Mrs. Priya Choubey, Advocate
For the Respondents : Mr. Md. Irshad, A.C. to S.C.-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 15-12-2017

Heard learned counsel for the parties.

This writ application has been brought for a direction to the State-respondent to arrest opposite party no. 3, namely, Arvind Kumar Sinha whose prayer for anticipatory bail has already been refused by the learned Sessions Judge, Hazipur in A.B.P. No. 2160 of 2016 on 04.04.2017 itself in connection with Complaint Case No. 2852 of 2015 registered under Section 406 and 420 of the Indian Penal Code.

In **M.C. Abraham & Anr.** Vs. **State of**



Maharashtra & Ors. reported in **2003(2) SCC 649**, the Hon’ble Apex Court has held that the writ court cannot direct arrest of the accused which is business of the Investigating Agency.

Accordingly, this writ application stands dismissed as not maintainable.

(Birendra Kumar, J)

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