

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.813 of 2019**

Arising Out of PS. Case No.-131 Year-2018 Thana- BEERPUR District- Begusarai

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Rina Devi, W/O Jai Jai Ram Singh, Resident of village-Koriya, P.S.- Muffasil,  
District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Home Secretary, Old Secretariat, Bihar, Patna
3. The District Magistrate, Begusarai
4. The Superintendent of Police, Begusarai.
5. The Dy. Superintendent of Police, Begusarai.
6. The Officer- in- Charge, Birpur Police Station, District- Begusarai.
7. Sita Ram Singh @ Rahul Kumar, son of Ajay Singh @ Badku Singh  
Resident of Village- Babhangama, P.S.- Birpur, District- Begusarai.
8. Rohit Kumar, Son of Ajay Singh @ Badku Singh, Resident of Village-  
Babhangama, P.S.- Birpur, District- Begusarai.
9. Manish Kumar, Son of Ajay Singh @ Badku Singh, Resident of Village-  
Babhangama, P.S.- Birpur, District- Begusarai.
10. Dilkhush Kumar, Son of Ajay Singh @ Badku Singh, Resident of Village-  
Babhangama, P.S.- Birpur, District- Begusarai.
11. Ajay Singh @ Badku Singh S/o Late Kishori Singh, Resident of Village-  
Babhangama, P.S.- Birpur, District- Begusarai.
12. Asha Devi, W/O Ajay Singh @ Badku Singh, Resident of Village-  
Babhangama, P.S.- Birpur, District- Begusarai.
13. Laxmi Devi, W/O Rohit Kumar, Resident of Village-Babhangama, P.S.-  
Birpur, District- Begusarai.
14. Manish's Wife not known W/O- Manish Kumar, Resident of Village-  
Babhangama, P.S.- Birpur, District- Begusarai.
15. Rishu Kumar, S/O Chotku Singh, Resident of Village- Babhangama, P.S.-  
Birpur, District- Begusarai.
16. Gulshan Singh, S/O Surendra Singh, Resident of Village- Babhangama, P.S.-  
Birpur, District- Begusarai.

... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Randhir Kumar No.1, Advocate  
For the Respondent-State: Mr. Iqbal Asif Niazi, AC to GP-5

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 08-05-2019**

Learned counsel for the petitioner and learned counsel for the State.

2. This application under Article 226 of the Constitution of India has been filed by the petitioner for issuance of direction to the respondent nos. 2 to 6 to arrest the respondent nos. 7 to 16 in connection with Birpur P.S. Case No.131 of 2018 registered under Sections 304B and 201 read with 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submitted that the first information report of the aforesaid Birpur P.S. Case No.131 of 2018 was registered on 20.11.2018, but till date the police have not arrested the accused persons named in the FIR. The police are duty bound to arrest respondent nos. 7 to 16 and put them on trial. Their inaction in a serious matter requires interference by this Court.

4. *Per contra*, learned counsel appearing for the State submitted that the prayer of the petitioner is misconceived. The case is still under investigation. It yet to be seen as to whether the culpability of the accused persons have been found true or not by the investigating officer of the case. During course of



investigation, it would not be proper for the Court to issue any direction for arrest of the accused persons named in the first information report.

5. Having heard learned counsel for the parties, I find substance in the submission of the learned counsel for the State.

6. It is well settled position in law that merely because a person is named in the FIR or that his application for anticipatory bail is rejected, the same does not lead to an automatic consequence of his arrest. Arrest of an accused during the pendency of investigation depends on the discretion of the investigating officer in view of section 41 of the Cr.P.C.. Though, in course of investigation, it is open to him to arrest any person suspected to be involved in a cognizable offence, such arrest is not to be made in a mechanical manner.

7. An arrest in a routine manner or casual and cavalier manner has always been deprecated by the Court.

8. Moreover, at the stage of investigation, unless something alarming is noticed, the Court is expected not to interfere with the investigation. It is not known to this Court as to what has transpired against the accused persons during investigation. Hence, it would not be proper for this Court to issue any direction at this stage as prayed for by the petitioner.



9. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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