

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.491 of 2017

Arising Out of PS. Case No.-15 Year-2017 Thana- KHUSRUPUR District- Patna

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Raja Ram Singh Son of late Biranchi Singh Resident of Village- Narrudinpur,
Police Station- Khusrupur, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar Through Director General Of Police, Old Secretariat, Gardnibagh, Patna
2. The Superintendent of Police, Patna.
3. The Senior Superintendent of Police, District- Patna
4. The Officer-Incharge P.S. Khusrupur, District- Patna.
5. The DSP - Fatuha
6. Inspector General Patna.
7. Tuntun Singh S/o Sri Basudev Singh
8. Naval Singh S/o late Sitaram Singh
9. Mahendra Singh S/o Sri Mahendra Singh
10. Mohan Singh S/o Sri Mahendra Singh
11. Subhash Singh S/o late Yogi Singh null
12. Shambhu Singh S/o late Yogi Singh null
13. Bambhu Singh S/o late Yogi Singh All are resident of Village- Narrudinpur, Police Station- Khusrupur, District- Patna.
14. Bhola Singh S/o Chandradeep Singh Resident of Jaggu tola, Police Station- Khusrupur, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas
For the Respondent/s : Mr.Md. N.H Khan Sc-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-08-2019 This application was filed on 07.04.2017. The affidavit by the petitioner for filing writ petition was sworn on 03.08.2016. The prayer of the petitioner is to direct the official respondents to arrest respondent nos. 7 to 14, who have been



made accused in Khusrupur P.S. Case No. 15 of 2017 registered inter alia under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

On query, learned counsel for the petitioner submitted that he has no recent instruction in the matter. He submitted that he is not aware as to whether the respondent nos. 7 to 14 have been arrested by the police or surrendered before the court below in connection with Khusrupur P.S. Case No. 15 of 2017 after filing of the writ petition.

Be that as it may, Section 41 of the Code of Criminal Procedure confers discretionary jurisdiction upon the police to arrest any person without warrant against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment. It is not known whether the accused are still evading to appear before the court or they have already appeared before the court or they have been apprehended by the police and produced before the court and have been granted bail.

In view of the discretionary jurisdiction of the police under Section 41 of the Code of Criminal Procedure as also incomplete instruction to the counsel for the petitioner, I am not



inclined to issue any direction to the respondents to arrest the
accused persons named in Khusrupur P.S. Case No. 15 of 2017.

The application is dismissed.

(Ashwani Kumar Singh, J)

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