

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.984 of 2017

Arising Out of PS. Case No.-191 Year-2015 Thana- PHULWARISHARIF District- Patna

Md. Munir Son of Late Md. Quddus, resident of Mohalla- Isopur Purani
Masjid, Police Station- Phulwarisharif, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Home Department, Bihar, Patna.
2. The Director General of Police-cum-Inspector General of Police, Bihar, Patna.
3. Inspector General of Police Bihar, Patna.
4. District Magistrate, Patna.
5. Commissioner, Patna Division Patna.
6. Senior Superintendent of Police, Patna.
7. Deputy Superintendent of Police, Patna.
8. Officer-Incharge, Phulwarisharif Police Station, Patna.
9. Md. Raies Raja alias Md. Rahis, Son of Md. Raju alias Md. Sabbir, resident of Village- Ishopur Purani Masjid, P.S.- Phulwari Sharif, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amir Alam

For the Respondent/s : Mr.Lalit Kishorepaag1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

5 09-01-2020 The present petition has been filed for directing the respondent Police authorities to arrest the respondent no.9, i.e. Md. Raies Raja alias Md. Rahis, who is an accused in Phulwari Sharif P.S. Case No. 191 of 2015 and is absconding even after rejection of his prayer for anticipatory bail by the learned Additional Sessions Judge-VI, Patna by an order dated 04.09.2015.

The learned counsel for the petitioner has submitted that the police authorities are not taking any action including the



arrest of the accused respondent no.9 and are sitting tight in the matter.

This Court is of the view that in case the petitioner, who is complainant/ informant of Phulwari sharif P.S. Case No. 191 of 2015, is aggrieved by non-arrest of the accused respondent no.9, as also by the inaction on the part of the police, he has got ample remedy by way of approaching the learned court in seisin of the matter by filing appropriate petition for issuance of bailable/ non-bailable warrant of arrest as also for initiating action under sections 82 and 83 of the Cr. P. C.

In such view of the matter, the present writ petition stands disposed of with liberty to the petitioner to file an appropriate petition before the learned court below for taking appropriate action for securing attendance of the accused respondent no.9. In case any such petition is filed by the petitioner, the learned court below is directed to ensure arrest of the accused respondent no.9, in case he has not availed the privilege of bail.

(Mohit Kumar Shah, J)

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