

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1723 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- SHERGHATI District- Gaya

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Rakesh Kumar Sinha, Son of Late Shyamdeo Lal @ Shyamdeo Narayna Sinha, Resident of Village- Bhawanipur, P.O. and P.S.- Deo, Dist- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Addl. Chief Secretary-Cum-Principal Sectt. Deptt. Of Home, Bihar Govt. Of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna
4. The Deputy Inspector General of Police, Magadh Division, Gaya.
5. The Superintendent of Police, Gaya.
6. The Station House Officer, Sherghati Gaya.
7. Mr. Ram Pukar Chaudhary, The then Investigating Officer, Police Station Sherghati, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate.
For the State	:	Mr. Iqbal Asif Niazi, AC to G.P.-5

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 03-02-2026 The present petition has been preferred by the petitioner for writ of mandamus directing the respondent Police Authority to arrest the named accused in Sherghati P.S. Case No. 237 of 2019, instituted for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

2. Arrest of any accused in any FIR is a part of investigation. It is for the Police to decide whether the accused has to be arrested or not and if the police is not taking steps for



proper investigation, it is learned Judicial Magistrate, who is duty bound to monitor it to ensure proper and fair investigation. Hence, the party has efficacious remedy to move learned Judicial Magistrate to ensure proper and fair investigation including arrest, if required.

3. Hence, at this stage, learned counsel for the petitioner is seeking permission to withdraw the present petition with liberty to take remedial measure before learned Judicial Magistrate.

4. Accordingly, the present petition is dismissed as withdrawn with the aforesaid liberty, as sought for by the petitioner.

(Jitendra Kumar, J)

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