

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.885 of 2014

Arising Out of PS.Case No. 112 Year- 2014 Thana - Rupaspur District- PATNA

Hemanti Kumari, Daughter of Sri Deocharan Singh, Lady Staff of A.N.M. Primary Health Centre, Khagaul, Patna, Resident of Arpna Bank Colony, Ramjaipal Nagar, P.O. & P.S.- Rupaspur, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna
3. Inspector General of Police, Patna Zone, Patna
4. Deputy Inspector General of Police, Central Range, Patna
5. Senior Superintendent of Police, Patna
6. Dy. S.P. Danapur, Patna
7. Mirtuyan Jay Kumar, S.H.O. Rupaspur, Patna
8. Ramakant Tiwary, S.I. Rupaspur, presently posted at Shahpur P.S., District- Patna.....Respondent (Ist Set)
9. Rima Pandey @ Rima Ojha, wife of Sri Deepak Ojha, Resident of Arpna Bank Colony, P.S.- Rupaspur, District- Patna
10. Deepak Ojha, Son of Late Saligram Ojha, Resident of Arpna Bank Colony, P.S.- Rupaspur, District- Patna

.... Respondents (2nd Set)

Appearance :

For the Petitioner : Mr. Daya Shankar Prasad, Advocate

For the Respondents : Mr. Nikhil Kumar Agrawal, AC to GP 30

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-04-2015

Heard learned counsels for the parties.

2. The present writ petition has been filed with a prayer for providing adequate protection security cover and for safeguarding the life and liberty of the petitioner who apprehends threat to her safety from the side of respondent nos.9 and 10 by reason of Rupaspur P.S. Case No.112 of 2014 instituted under sections 341, 323, 354, 379, 504, 506 read with Section 34 of the Indian Penal Code at her instance.

3. It is submitted on behalf of the petitioner that she is facing considerable threat at the hands of the private respondents and has apprehension for personal safety and liberty, as a result of having lodged a first information report in connection with Rupaspur P.S. Case No.112 of 2014.

4. A counter affidavit has been filed on behalf of respondent nos.1 to 6 today after serving a copy thereof on learned counsel for the petitioner. It is stated that there exists a civil dispute between the parties with regard to possession of the house sold by respondent 10 to the petitioner. A counter case has also been filed by the respondent no.9 in Rupaspur P.S. Case No.111 of 2014 for the offences under Sections 147, 148, 149, 452 and 379 of the Indian Penal Code, who has in addition also lodged Rupaspur P.S. Case No.114 of 2014 and all the aforesaid cases have been investigated by the concerned Investigating Officer. On investigation it has come that all the cases have been filed in connection with an occurrence which took place for possession and dispossession of the said property and charge sheet has been submitted in Rupaspur P.S. Case No.111 of 2014 finding the case true against the accused. Investigation is still going on in the remaining two cases and is likely to be completed shortly.

5. Having regard to the submissions of the learned

counsels for the parties, this Court is not inclined to pass any positive direction, as prayed for on behalf of the petitioner. It is always open to the petitioner to approach and pursue her remedy before the appropriate forum such as District Level Security Committee for appropriate relief or before the other forum where she has already filed representations earlier.

6. The writ petition stands dismissed.

(Vikash Jain, J)

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