

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1209 of 2014

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1. Prabhat Kumar Son of Sri Parmanand Singh, Resident of Village Goranpura, P.S. Fatuha, District Patna.
 2. Kalawati Devi, Wife of Late Dinesh Nandan Prasad, Resident of Village Daniyama, P.S. Daniyama, District Patna.
 3. Sanjay Prasad Singh, Son of Late Dinesh Nandan Prasad, Resident of Village Daniyama, P.S. Daniyama, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Home Department.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Sub-Divisional Police Officer, Patna, Sadar Patna.
5. The S.H.O. of Ramkrishna Nagar Police Station, District/Town Patna.
6. Tuntun Yadav @ Chandrama Singh, Son of Baleshwar Yadav, Resident of Village Nandlal Chhapra, P.S. Agamkuan, District Patna.
7. Suman Sahkari Grih Nirman Samiti Ltd. Gandhi Path Mithapur, Patna through its Secretary, namely Murlidhar Pandey.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.
For the State : Mr. Rajiv Ranjan Kumar Pandey, S.C. 29
Mr. Nagendra Sharma, A.C. to S.C. 29

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioners and learned S.C. 29 for the State. Counter affidavit has also been filed on behalf of respondents no. 4 and 5.

The prayer in the writ application is for a direction to the respondents to provide safety to the petitioners from respondent no. 6 and his associates and to ensure their peaceful possession on three plots pertaining to Survey Plot No. 108, Tauzi No. 604, Khata No. 31, Thana No. 112 situated at Mohalla Khemnichak P.S. Phulwarisharif, now P.S. Ramkrishna Nagar, District Patna having areas of 1 Katha, 3

Kathas and 2 Khatas respectively.

In the counter affidavit filed, it has been stated that on the basis of the written complaint made by the petitioners, Ramkrishna Nagar P.S. Case No. 79 of 2014 was lodged and after investigation, the respondent no. 6 and four others have been chargesheeted. However, from the counter affidavit, it appears that respondent no. 6 has been remanded in the case whereas there is no statement with regard to the other four co-accused.

Considering the facts and circumstance of the case, the writ petition stands disposed off with the observations that the local police shall be obliged to protect the petitioners with regard to their land purchased by them and for which there are valid sale deeds and which are in their possession both in view of the citizens right under the constitution and the laws as well as the duty of law enforcing agencies to ensure the same.

(Ahsanuddin Amanullah, J.)

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