

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.130 of 2014

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Smt. Sunita Devi @ Smt. Sunita Rai, Wife of Sri Dhananjan Rai @ Guddu Rai, Resident of Village-Dihri, P.S.-Rajpur, District-Buxar, at present sitting Pramukh of Chausa Block (Twice Elected Uncontested) in the district of Buxar.

.... Petitioner

Versus

1. The State of Bihar through Director General of Police cum Inspector General of Police -cum-Inspector General of Police, Bihar, Old Secretariat, Building, Patna
2. The Inspector General of Police, Patna Zone, North Gandhi Maidan, Patna.
3. The Deputy Inspector General of Police, Shahabad Range, Dehri-on-Sone, District- Rohtas at Saran.
4. The Superintendent of Police, Buxar.
5. The Deputy Superintendent of Police, Buxar.
6. The Officer-in-Charge, Rajpur Police Station, District-Buxar.
7. The District Magistrate Buxar.
8. The Director General-cum-Inspector General of Police Uttar Pradesh (U.P.)
9. The Inspector General of Police, Baranasi Zone, Uttar Pradesh (U.P.)
10. The S.P. Gazipur, Uttar Pradesh (U.P.)
11. Pravin Yadav, the Officer-in-Charge, Suhawal P.S.-in the district of Gajipur
12. Vineet Kumar Rai Son of Late Dayal Shankar Rai, Resident of Village-Dihri, P.S.-Rajpur, District-Buxar (The Informant of Rajpur P.S. Case No.-205/13 Dated 27.10.13)
13. Ram Dayal Rai Son of Late Vindhyachal Rai Resident of Dehri, P.S.-Rajpur, District-Buxar (The Informant of Rajpur P.S. Case No.-223/13 Dated 23.11.2013).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Gupta, Advocate

For the Respondent/s : Mr. Apurva Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 15-01-2015

In the present application filed under Articles 226

and 227 of the Constitution of India, the prayer of the petitioner as narrated in paragraph 1 is as under:-

“1. That this writ is directed against the criminal higher reprehensible act of Praveen Yadav, the Officer-in-charge of Suhawal Police Station in the District of Gazipur, who without any jurisdiction, any warrant of arrest or process Under Sections 82 and 83 of Cr. P.C. entered in the residential house of the petitioner at Dihri, P.S.-Rajpur, District-Buxar, Bihar and after breaking Almirah, containers and Boxes took out Rs. 6 Lacs which the petitioner was keeping after selling her landed property and even the Police Officers of Buxar and Dihri Police Station could not raise any objection and could not ask Praveen Yadav as to under what authority he entered in the residential house of the petitioner, who has been separated from her husband Guddu Rai with her children and has no any concern with Guddu Rai who is an accused in Rajpur P.S. Case No. 223 of 2013 Under Sections 147, 148, 149 and 302 of I.P.C. and also for issuance of a Writ of Mandamus directing the Director General-cum-Inspector General of Police, U.P. to enquire and to submit report in this regard and also to take appropriate action against Prabeen Yadav who had/has entered in the residential house of the petitioner who is Pramukh of Chausha Block, Buxar after being twice elected uncontested and

thus she is a Gazetted Officer of the Bihar under Gram Panchayat Act as well as a Public Service U/S 21 of the I.P.C.”

The application is not only vague but misconceived too. Even otherwise, for any act of omission or commission on the part of respondent no. 11, the petitioner has equally efficacious and alternative remedy in law.

In that view of the matter, I am not inclined to entertain the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

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