

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.935 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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Ganga Bisun Paswan, son of late Dilchand Paswan, Resident of Village- Mathura
P.S.- Bidupur, District-Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Vaishali
2. The Sub Divisional Officer, Vaishali.
3. The Superintendent of Police, District-Vaishali.
4. The Circle Officer, Circle- Vidupur, District -Vaishali.
5. The Deputy Superintendent of Police, Vaishali, District-Vaishali.
6. The Station House Officer, SC/ST, Police Station, Hajipur, District- Vaishali.
7. Dinesh Singh, son of Ram Balak Singh
8. Raj Kumar Singh, son of late Gurudyal Singh
9. Rajeshwar Singh, son of late Gurudyal Singh
10. Rajeev Kumar, son of late Sevak Singh
11. Raj Kumar Singh, son of Yogendra Singh
12. Dinesh Singh, son of late Prahalad Singh
13. Sanjeet Singh, son of Suryadeo Singh
14. Sukhdeo Singh son of Mandil Singh
Respondent Nos. 7 to 14 are Resident of Village-Mathura, P.S.- Bidupur District-
Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Respondent/s : Mr. Gautam Bose, AAG-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-02-2016

The petitioner is informant of Hajipur SC/ST P.S. Case No. 42 of 2014 registered under Sections 147, 148, 323, 504, 427, 380, 452 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

2. The aforesaid FIR was registered against respondents No. 7 to 14. The present writ petition has been filed by the petitioner for commanding and directing the respondents No. 1 to 6 to take appropriate action against the respondents No. 7 to 14 who have been made accused in Hajipur SC/ST P.S. Case No. 42 of 2014.

3. It has been contended by the learned counsel for the petitioner that after institution of the FIR the police are sitting tight over the matter and, till date, accused persons named in the FIR have not been arrested.

4. On the other hand, learned counsel for the State submits that the investigation of the case is still going on and in course of investigation, it has transpired that the dispute between the parties is essentially civil in nature. He has further contended that in course of investigation, it was found that the land, in question, appertaining to Khata No. 884, Khesra No. 2095 belongs to the private respondents who are purchaser of the land.

5. It has also been submitted that a proceeding under Section 107 of the Code of Criminal Procedure (For short “CrPC”) has already been initiated and steps have also been taken for initiation of a proceeding under Section 144 of the CrPC between the parties in respect of land in dispute.

6. I have heard respective counsel for the parties and perused the record.

7. Since the matter is under investigation and the police have the statutory right to investigate a cognizable offence, I do not think it proper to issue any direction to the official respondents to take action against the accused persons named in the FIR as the question of taking any action against the accused persons would depend on ultimate outcome of the investigation of the case.

8. In view of the discussions made, hereinabove, I do not find any merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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