

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.735 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BUXAR

Manoj Kumar Pathak, S/o Late Sarswati Pathak, Permanent Resident of Village – Mahdah, P. O.-Mahadah, P.S.-Muffasil, District-Buxer, at present reside at 12/402, Shri Shashwat Building Near Pleasant Park, Meera Road, District-Thane, State-Maharastra-401107.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Home Secretary, Home Department, Government of Bihar, Patna.
4. The Director General of Police, Patna.
5. The Inspector General of Police, Patna.
6. The District Magistrate, Buxer.
7. The Superintendent of Police, Buxer.
8. Deputy Superintendent of Police (Town), Buxer.
9. The Officer-in-charge, Muffasil, Buxer.
10. Anant Kumar Mishra, S/o Dev Kumar Mishra, Resident of Mohalla-Purana Bhojpur, P.S.-Naya Bhojpur, District-Buxer.
11. Amit Kumar Mishra, S/o Anant Kumar Mishra.
12. Anup Kumar Mishra, S/o Anant Kumar Mishra.
13. Lilawati Devi, wife of Late Laxman Pathak.
All resident of village + P.O.-Mahdah, P.S.-Muffasil, District-Buxer, at present working at Vikash Pradhikaran, Collectorate, Buxer.
14. Laxmi Narayan Pathak, S/o Sri Awadh Bihari Pathak.
15. Shashi Kant Pathak, S/o Laxmi Narayan Pathak.
16. Binod Pathak, S/o Laxmi Narayan Pathak.
17. Krishna Kant Pathak, S/o Laxmi Narayan Pathak.
18. Sri Man Narayan Pathak, S/o Laxmi Narayan Pathak.
19. Chandra Mani Pathak, S/o Laxmi Narayan Pathak.
20. Gopalji Pathak, S/o Laxmi Narayan Pathak
All resident of Village + P.O.-Mahdah, P.S.-Buxer (Muffasil), District-Buxer.

.... Respondents

Appearance:

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate.
For the Respondent/s : Mr. Ravish Chandra, AC to SC-6.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 06-09-2016

The petitioner has sought directions from this Court to



enquire into the allegations in respect of death of the uncle of the petitioner in Buxar Muffassil P. S. Case No. 269 of 2014 dated 15.10.2014 registered under Sections 302 and 201/34 of the Indian Penal Code. The petitioner has also made a reference to Buxar Mufassil P. S. Case No. 104 of 2010 dated 10.10.2010 under Sections 420, 467, 468, 472, 323, 379, 504 and 506/34 of the Indian Penal Code filed by the mother of the petitioner. There is also a reference to a title suit filed by the petitioner in respect of challenge to a gift deed and that the said suit is pending before the Civil Court.

A perusal of the petition shows that the petitioner has dispute with his near relations, i.e., children of his brother Laxmi Narayan Pathak and other relations. The *Fardbyan* regarding death of his uncle was made in the year 2014, though the death has taken place in the December 2009, wherein some of the private respondents have been named as an accused.

The petitioner has sought intervention of this Court to protect life and property of the petitioner from group of anti-social elements, which includes the heirs of his brother. It appears that the present dispute including the dispute regarding gift deed is sought to be settled by invocation of jurisdiction of this Court and may be the Criminal Court. It may be noticed that the petitioner is not residing in the State of Bihar, but presently residing at Thane, Maharashtra.

Therefore, the claim of threat is wholly untenable. Since the petitioner does not reside within the local limits of this Court, therefore, the petitioner is not entitled to any indulgence on the guise of threat to life and property of the petitioner. The present petition is an abuse of law. Therefore, I do not find any merit in the present petition.

Thus, this present petition is dismissed.

(Hemant Gupta, J.)

Mishra/-

AFR/NAFR	N. A. F. R.
CAV DATE	N.A.
Uploading Date	14.09.2016
Transmission Date	N.A.