

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1701 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- BIHARSHARIF District- Nalanda

JAHANARA @ JAHANARA KHATOON W/o Md. Israrul Haque, R/o
Mohalla- Kaghzi Mohalla, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Home, Bihar, Patna.
2. The Director General of Police Government of Bihar, Patna.
3. The District Magistrate Nalanda.
4. The Superintendent of Police Nalanda.
5. The SHO of Bihar P.S. Biharsharif, Nalanda.
6. The Sub-Divisional Officer Biharsharif, Nalanda.
7. Belal S/o Late Shakeel,
8. Tarique S/o Atiqur Rahman,
9. Atiqur Rahman S/o Abdul,
respondent No. 7 to 9 R/o Mohalla- Khagzi Mohalla, P.S.- Biharsharif,
District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Bhagat
For the Respondent/s : Mr. Partha Sarthy (Ga 4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-09-2018 This application has been preferred for a direction to the S.H.O. of the concerned Police Station at Biharsharif to complete the investigation of Bihar P. S. Case No. 87 of 2018 and for further direction to unlock the house of the petitioner. It is the stand of the petitioner that the house in question has been locked by the private respondent with the help of the Police.

A counter affidavit has been filed on behalf of respondent nos. 4 and 5 today. It is the stand that for the disputed house Md. Sazzad Alam have obtained agreement from Md. Alam but Md. Sabir Alam executed sale deed in favour of



Jahanara. Before 2-3 days of the alleged occurrence, Jahanara locked the said house and started residing in the rented house. It is stated that when the accused persons knew it, they broke open the lock of the house and they are residing in the said house. It is their response that the allegation of extortion and theft have not been found to be true, hence, there is no need of further investigation in the case. According to them, this case is in the nature of a civil dispute, however, considering that there are apprehensions of breach of peace, a proceeding under Section 107 Cr.P.C. has been initiated.

In the given facts and circumstances as appearing in the counter affidavit, now the petitioner would be required to seek her remedy before the competent court in appropriate jurisdiction. So far the investigation of the Police case is concerned, the stand of respondent nos. 4 and 5 have been put on record.

This application is, thus, disposed of giving liberty to the petitioner to seek her remedy in accordance with law.

(Rajeev Ranjan Prasad, J)

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