

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1200 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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Nagina Prasad @ Nagina Prasad Chaurasiya son of Bishwanath Prasad Chaurasiya, resident of Village- Hari Pakari, Police Station- Majhauriya, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Tirhut Range, Muzaffarpur, Bihar.
4. The Deputy Inspector General of Police, Bettiah, West Champaran.
5. The District Magistrate, West Champaran at Bettiah.
6. The Superintendent of Police, West Champaran at Bettiah.
7. The Sub Divisional Magistrate, Sadar Bettiah, West Champaran.
8. The Officer-in-Charge, Majhauriya Police Station, District- West Champaran.
9. Premnath Prasad Chaurasiya son of Indradeo Bhagat
10. Shesh Nath Prasad Chaurasiya son of Indradeo Bhagat
11. Dhram Bir Prasad Chaurasiya son of Indradeo Bhagat
12. Ajay Kumar son of Prem Nath Prasad
13. Jai Prakash Prasad son of Sahdeo Bhagat All are resident of Village Hari Pakari, Police Station- Majhauriya, District- West Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.7

For the Respondent/s : Mr. S. Pd. S.C.8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 07-02-2018

Heard learned counsel for the petitioner and
learned counsel representing the State.

The present writ application has been filed for a
direction to institute a police case against the respondent no. 9
to 13 to protect the land of the petitioner from the hands of
respondent nos. 9 to 13 and for any other relief/reliefs for
which the petitioner is found to be entitled to.



Learned counsel for the petitioner submits that in fact the petitioner had made a complaint before the Sub-Divisional Magistrate, Bettiah, West Champaran vide Complaint Case No. 615M/2016 against the respondent nos. 9 to 13 and the said complaint was forwarded to the concerned police station vide Annexure-3 to the present writ application, but despite receiving the said Annexure-3, respondent i.e. Officer-in-Charge, Majhauilya Police Station has not taken any action against respondent nos. 9 to 13. It is also stated that respondent no. 10 & 11 are Nepali citizen and they are residing at Nepal and doing their business there.

During the pendency of the writ application a counter affidavit has been filed. A perusal of the counter affidavit shows that now a detail report has been submitted by the S.H.O., Majhauilya Police Station. The said report seems to have been submitted on or about 19.12.2016 itself stating therein that the land is in peaceful possession of the petitioner. There had been certain demand of share from the private respondent and respondent no. 10 has filed a case in the court of Sub-Divisional Magistrate, Bettiah, West Champaran for which a report has already been submitted for taking action under Section 144 Cr.P.C. and 107 Cr.P.C. Statement made in



the counter affidavit has not been controverted by the petitioner.

Learned counsel for the petitioner submits that in fact the petitioner does not want to proceed with the case now.

In the aforesaid view of the matter, nothing remains in this case. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.02.2018
Transmission Date	08.02.2018

