

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1563 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Banka

PARVATI DEVI Wife/Widow of Late Bhaj Narayan Das Resident of Village-
Amarpur, Ward No. 10, Nagar Panchayat, Amarpur, P.S.- Amarpur, District-
Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The District Magistrate, Banka.
4. The Sub Divisional Officer, Banka
5. The Anchal Adhikari, Dhoraiya Anchal, District- Banka.
6. The Superintendent of Police, Banka.
7. The S.H.O. Dhoraiya Police Station- Dhoraiya, District- Banka.
8. Kishan Harizan Son of Late Sindhu Harizan Resident of Village- Jagatpur,
Anchal- Dhoraiya, P.S.- Panjwara, District- Banka.
9. Gholtan Harizan Son of Sindhu Harizan Resident of Village- Jagatpur
Anchal- Dhoraiya, P.S.- Panjwara, District- Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Sharma
		Mr.Dhirendra Nath Jha
For the Respondent/s	:	Mr.M. Nasrul Huda Khan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 21-11-2019

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the following
reliefs as formulated by the petitioner --

*“(i) For issuance of writ in the nature of mandamus
commanding and directing the respondents specially
respondent no. 4, the Sub Divisional Officer, Banka to
dispose of the Misc. Case No. 1490/2017 filed by the
petitioner for initiation of proceeding under Section 144*



of Cr.P.C., against respondent no. 8 and 9 in which Case No. 1490/2018 was made later on and notice under Section 107 Cr. P.C. was issued to Respondent No. 8 and 9;

(ii) For issuance of writ further in the nature of mandamus commanding and directing the police officials, i.e. Respondent no. 6 and 7 to protect the life and property of the petitioner from Respondent No. 8 and 9 and take action against Respondent no. 8 and 9 who time to time loot the paddy crops from the land of the petitioner;

(iii) And/or pass such other relief or reliefs to which the petitioner found to be entitled in the interest of justice.”

3. It is submitted that the petitioner filed an application before the Sub-divisional Officer, Banka vide Misc. Case No. 1490 of 2017 for initiation of a proceeding under Section 144 Cr.P.C., against respondent nos. 8 and 9 which was subsequently numbered as Case No. 1490 of 2018. The Sub-divisional Officer sought an enquiry report from the Anchal Adhikari, Dhoraiya vide D.R. No. 2307 dated 31.10.2017, in compliance of which enquiry report dated 12.05.2018 (Annexure-5) came to be submitted by the Rajaswa Karmchari to the Anchal Adhikari, Dhoraiya and forwarded to the Sub-divisional Officer, Banka by letter dated 17.05.2018. It is submitted that though a notice under Section 107 Cr.P.C. was issued, nothing has been done with regard to initiation of proceeding under Section 144 Cr.P.C. even after lapse of two years since filing of the Miscellaneous Case aforesaid.

4. Having regard to the nature of the grievance of the petitioner, this Court directs the Sub-divisional Officer, Banka (Respondent no. 4) to look into the matter and dispose of Misc. Case No. 1490 of 2018 pending before him expeditiously in



accordance with law and in any event preferably within a period of four weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2019
Transmission Date	24.11.2019

