

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1664 of 2019

Arising Out of PS. Case No.-619 Year-2000 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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SUJIT KUMAR JHA Son of Shree Mahendra Narayan Jha Resident of
Village- Baliya, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY
DEPTT. OF HOME GOVT. OF BIHAR, PATNA.
2. The District Magistrate, Madhubani
3. The Superintendent of Police, Madhubani
4. The Dy. Superintendent of Police, Jhanjharpur, District- Madhubani.
5. The S.D.O. Jhajharpur, District- Madhubani
6. The C.I. Jhanjharpur, District- Madhubani.
7. The Station Head Officer, Lakhnaur, District- Madhubani.
8. Manoj Kumar Jha Son of Late Ram Lakhan Jha, Resident of Village- Baliya,
P.S.- Lakhnaur, District- Madhubani.
9. Prabhakar Jha Son of Late Nathuni Jha, Resident of Village- Baliya, P.S.-
Lakhnaur, District- Madhubani.
10. Prashant Jha Son of Prabhakar Jha, Resident of Village- Baliya, P.S.-
Lakhnaur, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Respondent/s : Mr. Prabhat Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 05-12-2019

Heard learned counsels appearing on behalf of the
parties.

The present writ application has been filed on
behalf of the petitioner seeking following reliefs:-

- (i) To issue a writ in the nature of mandamus to



direct the respondents to protect the life and personal liberty of the petitioner and his family members from the illegal Criminal Act causing mental and physical in security to the petitioner wreaked by the private respondent nos. 8, 9 and 10 at the behest of the S.H.O. of the Lakhnaur P.S. (the respondent no.7 herein).

(ii) To restrain the S.H.O. of the Lakhnaur P.S. (the respondent no.7) from rendering act of harassment to the petitioner and his family members.

(iii) To direct the respondents (the authority of police) to the act in the ambit of law and not in the otherwise in order to substantiate the ends of justice and restore the rule of law.

Submission of learned counsel for the petitioner is that earlier, petitioner has filed a Complaint Case vide C.R. No. 619 of 2000 (Annexure-1) in the Court of A.C.J.M., Jhanjharpur, in which petitioner and others are witnesses. In the present case, learned A.C.J.M., Jhanjharpur has taken cognizance under Sections 323, 325, 342, 354 and 504/34 of the Indian Penal Code against one A.S.I. of Lakhnaur P.S. and others (Annexue-2). In pursuance of the said cognizance order, warrant of arrest was issued against Pramod Kumar Gupta, the then A.S.I. of Lakhnaur Police Station (Annexue-3). Further submission is that on account of aforesaid reasons, the S.H.O. of



Lakhnaur P.S. is torturing and disturbing the petitioner and his family members with the help of respondent nos. 7, 8 and 9. It is also submitted that the police is putting illegal pressure upon the petitioner and his family members to withdraw the case (Annexure-1) and give adverse statement to demolish the case. Threatening is being given that petitioner and his family members to implicate in the false cases, if the said case is not withdrawn. Thereafter, petitioner and his family members have rushed before the Superintendent of Police, Madhubani seeking protection but no avail (Annexure-4 series). Thereafter, petitioner has approached to the Sub-Divisional Complaint Redressal Cell, but no effective steps was taken at the level of S.D.O. Jhanjarpur, which is evident from the order dated 21.06.2018 passed by the S.D.O., Jhanjarpur (Annexure-5). Pursuant to the aforesaid approaches of the petitioner, the Superintendent of Police, Madhubani has directed to the Police Inspector, Jhanjarpur to take action in terms of the application of the petitioner vide letter dated 26.07.2019 (Annexure-6). Even after the said direction, the private respondents at the support of the Police Inspector, Jhanjarpur disturbed the life of the petitioner and his family members.

Further, it is also submitted that in view of the



above, the petitioner prays to pass an order under Article 21 of the Constitution of India to secure the protection of life, liberty and property of the petitioner and his family members.

Having considered the fact and circumstances of the case and the submissions advanced on behalf of the petitioner, the issue with regard to protection of life and personal liberty of the petitioner and his family members, can be raised before the Trial Court for redressal of his grievance. So far as the prayer for restraining the S.H.O. of Lakhnaur P.S. from rendering act of harassment to the petitioner, the Superintendent of the Police, Madhubani is directed to look into the matter and take appropriate action in the light of the representation of the petitioner (Annexure-4), having regard to the fact that despite his direction, as contained in Annexure- 6, no action has been taken.

This application is disposed of with the directions as above.

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.02.2020
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