

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4617 of 2021

Arising Out of PS. Case No.-489 Year-2018 Thana- GARDANIBAG District- Patna

1. AMAR SINGH @ ABHISHEK KUMAR, SON OF LATE MOHAN SINGH, RESIDENT OF MOHALLA-DVC ROAD, POLICE STATION-GARDANIBAGH, DISTRICT-PATNA.
2. HARE RAM SINHA @ RAKESH KUMAR, SON OF MANORANJAN PRASAD, RESIDENT OF MOHALLA-YARPUR, POLICE STATION-GARDANIBAGH, DISTRICT-PATNA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rajendra Narain, Sr. Advocate Mr. Sunil Kumar Singh, Advocate Mr. Pratik Kumar, Advocate
For the State	:	Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 01-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Gardanibagh P.S. Case No. 489 of 2018 for the offences registered under Sections 448, 341, 504, 506, 354/34 of the Indian Penal Code.

The petitioner no.1 is the land-lord of the informant and petitioner no. 2 is also tenant of petitioner no.1. Due to tenancy dispute, there is a Eviction Suit between the petitioner and the informant. Tenancy dispute is pending with regard to payment of rent and revision of rent. The father of the informant



is a man of criminal nature and has been doing illegal activities from the shop, in question, and he has been earlier arrested in a case under the Excise Case and now this case has filed through his daughter. It is further submitted by the petitioners that the local Police is helping the tenant and is not protecting the rights of the petitioners. On their complaint, the case is not being registered by the Police.

Considering the aforesaid facts and circumstances, let petitioners above named, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Judge-XIV, Patna in connection with Gardanibagh P.S. Case No. 489 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

It appears that the direction passed by the Hon'ble Supreme Court in the case of **Lalita Kumari Vs. State of U.P (2014) 2 SCC 1** with regard to registration of F.I.R. are not being followed by the most of the Police Officers in the State. Whenever, there is a report of cognizable offence being committed by someone F.I.R. has to be registered by the Police and it has to be investigated by the Police and action must be



taken at the very initial stage. If the allegation makes out a criminal case for a cognizable nature, the F.I.R. has to be registered and investigated properly. From Annexure-5, it seems that the petitioner is running to the Police for registration of his complaint as F.I.R. but all in vain.

In these circumstances, the S.S.P., Patna is directed to look into the matter and direct all the Officers in-charge under his jurisdiction not to refuse to the registration of F.I.R. when a cognizable offence is made out in light of the decision of Hon'ble Apex Court in the case of Lalita Kumari (supra).

Let, this order be communicated to the S.S.P., Patna through fax and mail for compliance.

(Sandeep Kumar, J)

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