

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.681 of 2019

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

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Yogendra Singh @ Yogendra Prasad Singh S/o Late Fani Singh Resident of
Village - Ramdiri (Mahaji) P.S.- Matihani, District- Begusarai, Pin Code-
851101

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Home, Bihar, Patna
3. The Inspector General of Police, Bihar, Patna
4. The Deputy Inspector General of Police, Munger Range, Bihar, Patna
5. The Director General of Police, Bihar, Patna
6. The District Magistrate, Begusarai Bihar
7. The Superintendent of Police, Begusarai Bihar
8. The Deputy Superintendent of Police, Begusarai Bihar
9. The Officer-in Charge, Matihani Police Station, District-Begusarai Bihar
10. Abhay Kumar Late Munna Singh Resident of Village - Ramdiri (Ram Nagar), P.S.- Matihani, District- Begusarai.
11. Jhunna Singh Late Satish Singh @ Chhatish Singh Resident of Village - Ramdiri (Ram Nagar), P.S.- Matihani, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Adv.

For the Respondent/s : Mr.Md. Harun Quareshi, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-07-2022 Heard learned counsel for the petitioner and Mr.

Md. Harun Quareshi, learned AC to SC-1 for the State.

Petitioner in the present case is seeking a writ in the

nature of a writ of mandamus commanding the respondent

authorities to take appropriate action against the respondent



nos. 10 and 11 enforcing Crime Control Act and to debar them from entering into the district and further direction has been sought to the respondent authorities directing the officer in-charge to lodge an FIR and put the respondent nos.10 and 11 behind the bar.

In course of hearing, learned counsel for the petitioner has drawn the attention of this Court towards the letter dated 07.12.2016 written by the petitioner to the officer in-charge of Matihani police station in the District of Begusarai. In the said letter, he has described the occurrence which took place with him on 06.12.2016. It is alleged that one Rajaram Singh had been abusing him and asked him to pay a rangdari. Another person has forcibly ploughed his agricultural field and had threatened on the strength of some arms.

Learned counsel submits that despite this letter to the officer in-charge and the Superintendent of Police, Begusarai no action at all was taken. It is his submission that in such circumstance it has become difficult for the petitioner to protect his life and property.

Learned counsel for the State submits that if the FIR was not lodged, it was open for the petitioner to seek his



remedy by following the established procedure of law as discussed by the Hon'ble Supreme Court in the case of **Priyanka Shrivastava & Anr. Vs. State of Uttar Pradesh & Ors.** reported in **(2015) 6 SCC 287**.

Having regard to the submissions noted hereinabove, this Court is of the considered opinion that in case the petitioner has any grievance and for the alleged occurrence he is looking to lodge an FIR and the same is not being lodged by police, it is open for him to seek his remedy in accordance with law.

So far as his submission with respect to protection of his life and property are concerned, this Court grants liberty to the petitioner to file a fresh representation before the Superintendent of Police, Begusarai who will give a hearing to the petitioner within a period of 30 days from the date of receipt of the said representation and after hearing him, shall assess the threat perception of the petitioner and take an appropriate view as to whether the petitioner requires protection to his life and property. A reasoned decision in this regard shall be taken by the Superintendent of Police, Begusarai within a period of 30 days from the date of hearing given to the petitioner.



This application stands disposed of accordingly.

Let it be recorded that this Court has not gone into
the merit of the allegations.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

