

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1397 of 2017

Arising Out of PS. Case No.-42 Year-2016 Thana- MANPUR District- West Champaran

Adalat Mian @ Rizwanullah, Son of Late Manshi Mian, resident of Village-
Dumrapur, P.S. Manpur, District- West Champaran.

... .. Petitioner

Versus

1. The State Of Bihar Through The Home Secretary, Government Of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Superintendent of Police, West Champaran at Bettiah.
5. The Block Development Officer, Mainatand, West Champaran.
6. The Sub-Divisional Officer, Narkatiganj.
7. The Officer-in- Charge, Manpur, West Champaran.
8. Dashrath Sah, son of Late Lalji Sah.
9. Rameshwar Sah, son of Late Lalji Sah.
10. Mohan Sah, son of Late Lalji Sah.
11. Dhanilal Sah, son or Rameshwar Sah.
12. Ruby Kumari, daughter of Mohan Sah.
13. Arti Kumari, daughter of Rameshwar Sah.
14. Chanda Kumari, daughter of Dashrath Sah.
15. Sunaina Devi, Wife of Krishna Sah.
16. Omprakash Sah, Son of Krishna Sah.
17. Subhashani Devi, Wife of Mohan Sah,
18. Ahilya Devi, Wife of Rameshwar Sah. Respondent nos. 8 to 18 are residents of Village- Dumrapur, P.S.- Manpur, District- West Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate
For the Respondent/s : Mr.Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2022 Heard learned counsel for the petitioner and Mr. Saroj
Kumar Sharma, learned AC to AAG-3 for the State.



This writ application has been filed seeking a direction to the official respondents to provide security and protection to the petitioner and his family from Respondent nos. 8 to 18.

Learned counsel for the petitioner submits that Respondent nos. 8 to 18 are persons having criminal antecedents and they had forcefully harvested wheat crops from the field of the petitioner for which Manpur P.S. Case No. 09/2010 had been lodged. They have repeated the same occurrence for which Manpur P.S. Case no. 42/2016 under Sections 147, 149, 341, 323, 327, 379, 504, 506 of the Indian Penal Code has been lodged.

It is the case of the petitioner that Respondent nos. 8 to 18 appear to be aggrieved by the transfer of the land by his co-sharer, Nathuni Sah in favour of the petitioner as according to them a partition suit being Partition Suit No. 266 of 2008 is going on between the parties.

Learned counsel further submits that the petitioner sought protection from the police authorities by filing applications before the Superintendent of Police, West Champaran and the Officer-In- Charge, Manpur, West Champaran but those requests could not be considered.



Mr. Saroj Kumar Sharma, learned AC to AAG-3 submits that merely because a case has been lodged against private respondent nos. 8 to 18 in respect of the alleged land dispute, it may not be taken to be a case of criminal antecedent of huge magnitude and it appears that the dispute in the matter revolves around a piece of land which the petitioner had purchased from the co-sharer of Respondent nos. 8 to 18. It is his submission that in such matters, this Court sitting under Article 226 of the Constitution of India may not go on making inquiries as to rights of the parties and to him it appears that it is not a case in which the writ application may be entertained.

Having regard to the facts and circumstances of the case, prima facie this Court is also of the opinion that the parties are having a civil dispute and it appears that over harvesting of the wheat crops they are trying to establish their supremacy against each other. This may give rise to a law and order problem and in such circumstance, if any information is received in the concerned police station, the S.H.O. of the concerned police station would be duty bound to take appropriate steps to curb such law and order problems. This Court is not going into the merit of the claim of the petitioner and it is left open for the competent authority/ Court to take



appropriate steps in a given circumstance and adjudicate the *lis*
between the parties on its own merit.

This writ application stands disposed of accordingly.

(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'.

