

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.285 of 2022

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

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VIJAY KUMAR SINGH S/o Late Baleshwar Singh R/o village- Banarasi Bhawan, Ward No. 03, P.O.- Chhoti Durga Sthan, Under Town- Rosera, P.S.- Rosera, District- Samastipur

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Department Govt. of Bihar, Patna
2. The Director General of Police cum Inspector General of Police, Govt. of Bihar, Patna
3. The Deputy Inspector General of Police, Darbhanga Division, Darbhanga
4. The District Magistrate, Samastipur
5. The Superintendent of Police, Samastipur
6. The Sub Divisional Police Officer, Rosera, District- Samastipur
7. The Station House Officer, Rosera, P.S.- Samastipur
8. Sunil Kumar Singh @ Soni Singh S/o Baleshwar Singh R/o village- Banarasi Bhawan, Ward No. 03, P.O.- Chhoti Durga Sthan, Under Town- Rosera, P.S.- Rosera, District- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-09-2022 Although the matter has been listed on the mentioning made by learned counsel for the petitioner but no one appears on behalf of the petitioner.

A perusal of the writ application would show that the petitioner prays for the following reliefs:-

“I. To issue an appropriate order/s, direction/s including a writ preferably in the nature of Mandamus commanding and directing upon the State Respondents to protect the life and property



of the Petitioner which is at stake at the behest of Private Respondent.

II. To direct the State Respondents to provide Police Protection to the Petitioner taking into the consideration that his life is endangers at the hands of Private Respondent who is a Veteran Criminal disturbs the Petitioner to lead peaceful life have several times attacked upon him causing serious injuries on the person of the Petitioner.

III. To direct the Respondents No. 4 take preventive action and pass detention order against the Private Respondent as well initiate a proceedings against him under the provision of Bihar Control of Crimes Act 1981 taking into the consideration that the said Private Respondent having Criminal back ground charged twice by the Police in Murder Case and several other cases.

IV. To direct the State Respondents as well as Private Respondent not to interfere in the possession of the Petitioner over the land either in ancestral property or self acquired property of his father.”

A counter affidavit has been filed on behalf of the State in which it is stated that on the basis of the information received from the brother of the petitioner, Rosera P.S. Case No. 256 of 2019 was registered and upon finding the allegations mentioned therein true, police has submitted a chargesheet against Sunil Kumar Singh @ Soni Singh (Respondent No. 8) vide Annexure ‘C’ to the counter affidavit.

At this stage, this Court is of the considered opinion that in case the petitioner has any threat to his life and property, he may approach the Superintendent of Police, Samastipur

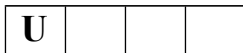


within a period of one month from today, submit a detail representation to him enclosing the materials to support his contention, whereupon the Superintendent of Police, Samastipur (Respondent No. 5) shall consider the same or send the same to the competent authority/body for consideration and an appropriate order thereon shall be passed within a period of 3 months from the date of submission of the representation. If the S.P., Samastipur/concerned authorities find that the petitioner has threat to his life, adequate care shall be taken to protect his life.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-



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'.

