

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.711 of 2021

Arising Out of PS. Case No.-927 Year-2020 Thana- BARAHAT District- Banka

Kailash Prasad Singh Shekhawat, S/o Late Shashi Bhushan Singh, Permanent R/O-Shashi Sadan, Sri Krishna Nagar, Mirzanhat Road, Ishakchak, P.S-Jagdishpur, District-Bhagalpur. At Present Resident Of Barahat, P.S-Barahat, District-Banka (Bhagalpur).

... .. Petitioner

Versus

1. The State Of Bihar through The Chief Secretary, Govt. Of Bihar, Patna
2. The Director General Of Police, Govt. Of Bihar, Patna.
3. The Inspector General Of Police, Bhagalpur.
4. The District Magistrate, Banka.
5. The Sub-Divisional Officer, District-Banka.
6. The Deputy Inspector General Of Police, Eastern Region, Bhagalpur.
7. The Superintendent Of Police, Banka.
8. The Deputy Superintendent Of Police, Banka.
9. The Inspector Of Police, Baunsi, District-Banka.
10. The Station Head Officer, Banka.
11. The S.H.O., Barhat Police Station, District-Banka.
12. Sanjeev Kumar Singh, S/o Late Shashi Bhushan Singh, R/o Village-Barahat, P.S-Barahat, District-Banka.
13. Sonal Man Singh, S/o Sanjeev Kumar Singh, R/o Village-Barahat, P.S-Barahat, District-Banka.
14. Neelam Devi, W/o Sanjeev Kumar Singh, R/o Village-Barahat, P.S-Barahat, District-Banka.
15. Janak Singh, S/o Naresh Mohan Singh, R/o Village-Khiddi, P.S-Barahat, District-Banka.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate.

For the Respondent/s : Mr.Ajay Kumar Sharma, AC to AG.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-09-2022 Learned Counsel for the petitioner shall remove
all S.R. defect(s) within three weeks from today.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner, in the present case, is seeking the following reliefs:-

- “(a) For issuance of a writ in the nature of mandamus for direction directing the respondents 1st set to make proper and fair investigation in Barahat P.S. Case No. 927 of 2020 and to take appropriate legal action against the respondents 2nd set in accordance with law, who always used to adopt illegal and criminal act with the petitioner and his family members.
- (b) For issuance of a writ in the nature of mandamus for direction directing the respondents 1st set to restrain the respondents 2nd set for their illegal act.
- (c) For issuance of a writ in the nature of mandamus for direction directing the respondents 1st set to restrain them for illegally grabbing the homestead land by breaking the boundary wall.
- (d) For any other relief or reliefs for which the petitioner is entitled.”

In course of argument, learned counsel for the petitioner submits that after investigation police has submitted a final form but on the protest filed on behalf of the petitioner the same has been registered as complaint case and three witnesses have been examined so far in course of inquiry.

This court, therefore, finds that so far as the first prayer of the petitioner is concerned, that has become in-



fructuous. The complaint case shall proceed in accordance with law.

So far as the prayer no. (b) and (c) are concerned, it appears that the petitioner has got some dispute with respect to the homestead land with private respondents. In the opinion of this Court, the remedy of the petitioner as against the private respondents would lie in a different jurisdiction. This Court sitting under Article 226 of the Constitution of India in its criminal writ jurisdiction would not enter into the arena of private dispute between the parties. The petitioner may seek his remedy in accordance with law.

In case, the petitioner has any grievance with respect to the role of the local police, he may bring it to the notice of the Superintendent of Police, Banka (respondent no. 7) by submitting an appropriate application in accordance with law. In case such materials are produced before the Superintendent of Police, he will examine the same and will take an appropriate action thereon within a period of 30 days from the date of communication of this order.

This writ application stands disposed of accordingly.



Certified copy of this order be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/Rajeev-

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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'.

