

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.20 of 2021

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

Mrityunjay Kumar, S/o Rajeshwari Sharma, Resident of Village-Sadaibigaha,
Police Station-Birpur, District-Lakhisarai, at present-Flat No.404, Ram Prasad
Kunj, J.D. Mishra Path, Police Station-Patliputra, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Home Commissioner, Government Of Bihar, Patna.
2. The Collector, Lakhisarai. Lakhisarai.
3. The Superintendent of Police, Lakhisarai. Lakhisarai.
4. The Sub-Divisional Magistrate, Lakhisarai. Lakhisarai.
5. The DCLR, Lakhisarai. Lakhisarai.
6. The Station House Officer, Town Police Station, Lakhisarai. Lakhisarai.
7. Satish Kumar Sharma Son of Late Vinay Sharma Resident of Village-Sadaibigaha, Police Station-Birupur, District-Lakhisarai.
8. Nitish Kumar Son of Late Vinay Sharma Resident of Village-Sadaibigaha, Police Station-Birupur, District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Adv.
For the Respondent/s : Mr.Md. Harun Quareshi, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-07-2022 Learned counsel for the petitioner submits that even though the proceedings initiated earlier at the instance of first party has failed, the members of the first party are bent upon causing obstructions and harassment to the members of the second party. It is submitted that the second party are facing risk of their life and property. It is pointed out that they have filed an application in the court of learned Sub-Divisional Magistrate, Lakhisarai being Ref. No.-25M2 of 2019 (Nitish Kumar Vs.



Sushila Devi and another). A copy of the said application has been placed on record as Annexure-5. The grievance of the petitioner is that the said application has remained pending for hearing and it is not likely to be heard in near future, hence, it requires a direction to the Sub-Divisional Magistrate, Lakhisarai to consider the application and pass an appropriate order thereon.

As regards the threat to the life and property of the petitioner, it is the submission of learned counsel that the local police station is in collusion with the private respondents, hence, the complaint of the petitioner is not being accepted at the local police station.

A counter affidavit has been filed on behalf of the respondents. The stand of the respondents is that the petitioner has not filed any complaint before the S.D.M., Lakhisarai rather from Annexure-5 it transpires that one Nitish Kumar who is private respondent no.8 in the present writ application has filed a petition to initiate a proceeding under Section 188 of the IPC in Reference Case No.25M2/2019 in which the petitioner is opposite party no.2. It is further submitted that in the said Reference Case the S.D.M., Lakhisarai has declined to initiate proceeding under Section 144 Cr.P.C. assigning the reason that



over the land in proceeding there is standing a residential building.

Learned counsel for the respondents, thus, submits that it seems to be a land dispute between the parties and instead of pursuing his remedy before the appropriate court the petitioner is looking for a direction in such disputed matter.

Having heard learned counsel for the petitioner and learned counsel for the respondent-State, this Court is of the considered opinion that there being no prima-facie case before this Court to issue any direction to the respondent authorities, it would not be appropriate for this Court to enter into the kind of disputes which have been tried to be raised.

So far as the issue of threat to life and property of the petitioner is concerned, if any such threat exists, the petitioner may approach the Superintendent of Police, Lakhisarai and submit his grievance which may be looked into and considered independently 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'.

