

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.802 of 2021

Arising Out of PS. Case No.-868 Year-2020 Thana- AGAMKUAN District- Patna

Azhar Sharful Haque Son of Late Dr. Ghulam Sharful Haque Resident of Kumhrar House Campus, Dargah Shaharzan, P.S.- Sultanganj, P.O.- Mahendru, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Inspector General of Police, Patna
3. The Deputy Inspector General of Police, Patna.
4. Senior Superintendent of Police, Patna.
5. The Deputy Superintendent of Police, Patna
6. The S.H.O. Agamkuan P.S., District- Patna.
7. Ram Awadhesh Yadav Son of Late Ram Babu Yadav Resident of Village- Naya Tola, Kumhrar, back of Kriti Petol Pump, P.S.- Agamkuan, District- Patna.
8. Nawab Lal Yadav Son of Late Ram Babu Yadav Resident of Village- Naya Tola, Kumhrar, back of Kriti Petol Pump, P.S.- Agamkuan, District- Patna.
9. Rohit Kumar Son of Nawab Lal Yadav Resident of Village- Naya Tola, Kumhrar, back of Kriti Petol Pump, P.S.- Agamkuan, District- Patna.
10. Rahul Kumar Son of Nawab Lal Yadav Resident of Village- Naya Tola, Kumhrar, back of Kriti Petol Pump, P.S.- Agamkuan, District- Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Sr. Advocate Mr. Majid Mahboob Khan, Advocate
For the State	:	Mr. Iqbal Asif Niazi, AC to GP-5
For resp nos. 7 to 10	:	Mr. Rajendra Anth Sinha, Advocate Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-10-2022 Learned counsel for the petitioner shall remove the S.R. defects as pointed out by the Stamp Reporter within two weeks from today.

Heard Mr. P.N. Shahi, learned Senior Counsel assisted
by Mr. Majid Mahboob Khan for the petitioner and Mr.



Rajendra Nath Sinha, learned Advocate assisted by Mr. Anil Kumar, learned Advocate for respondent nos. 7 to 10 as also Mr. Iqbal Asif Niazi, learned AC to GP-5 for the State.

This writ application has been filed seeking a direction to the respondent authorities to provide police protection to the petitioner for construction of the boundary wall of the business premises as well as the dwelling house which has been allegedly demolished by the respondents 2nd set by using JCB machine. The petitioner has also prayed for commanding the respondents to take appropriate action against the FIR named accused persons of Agamkuan P.S. Case No. 868 of 2020.

After noticing the submissions of learned Senior Counsel for the petitioner as regards the alleged manner in which the boundary wall of the business premises of the petitioner was demolished forcefully and the petitioner was allegedly assaulted in the process, this Court while issuing notices to respondent nos. 7 to 10 directed the Senior Superintendent of Police, Patna to look into the matter and in case the allegations are found to be correct, appropriate directions be issued to provide protection to the petitioner.

The Senior Superintendent of Police, Patna has filed a



counter affidavit. From the narrations present in the counter affidavit, it appears that the Investigating Agency has found the case true. It is stated in paragraph '11' of the counter affidavit that this petitioner has been running his shop namely 'Delta Marble Point' for about 13 years and he claims it to be his ancestral property. The Senior Superintendent of Police, Patna has also noticed the injury report of the petitioner and it is stated that during investigation, the informant's side has produced damaged articles photographs which are kept in the file.

After finding the case true, the Senior Superintendent of Police, Patna has issued certain directions to the I.O. including one to provide protection to the petitioner and to arrest the remaining accused persons of the case.

Mr. Rajendra Nath Sinha, learned counsel for respondent nos. 7 to 10 submits that the land on which the petitioner is running his business belongs to these respondents and the possession of the petitioner is wholly illegal. In course of the submissions, however, learned counsel specifically admits that the petitioner is running his shop over the land for more than 13 years. When this Court called upon the learned counsel to say as to whether any case alleging illegal occupation of the land by the petitioner has been lodged by or on behalf of the



respondents, learned counsel submits that no such case has been lodged. No suit is said to have been lodged for recovery of possession and this is stated on instruction from learned Advocate on Record of the private respondents.

This Court has taken note of the submissions of the learned counsel for the parties only for purpose of appreciation of the grievance of the petitioner. To this Court, at this stage, it appears that the grievance of the petitioner has been redressed by the Senior Superintendent of Police, Patna, therefore, no further order need be passed in the present writ application.

This writ application stands disposed of accordingly.

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

(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'.

