

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1221 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Narendra Bhusan Pd. Singh S/o Sashi Bhushan Prasad Singh, resident of
Village Bakhari Nazir, P.S.- Mehasi, District- East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar Through Secretary, Department Of Home, Government Of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The Collector, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Deputy Superintendent of Police, Chakia, East Champaran.
6. Officer-in-Charge, Mehasi, Police Station.
7. Ram Chandra Rai, S/o Late Shiv Ghulam Mahto, resident of Village- Bakhari Nazir, P.S.- Mehasi, District- East Champaran.
8. Mohan Lal Rai, S/o Late Lakshmi Mahto, resident of Village- Bakhari Nazir, P.S.- Mehasi, District- East Champaran.
9. Jai Ram Rai, S/o Lakshmi Mahto, resident of Village- Bakhari Nazir, P.S. Mehasi, District- East Champaran.
10. Rajan Rai, S/o Jai Ram Rai, resident of Village- Bakhari Nazir, P.S.- Mehasi, District- East Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate
For the Respondent/s : Mr.Kumar Shanu, A.C.to A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and Mr.

Kumar Shanu, learned A.C. to A.G. for the State.

Petitioner in this case is seeking a direction in the
nature of writ of mandamus commanding the respondents to
provide the petitioner and his family members security and
protection from the private respondent nos. 7 to 10.



It is evident from a bare reading of the writ application that the petitioner and respondent nos. 7 to 10 have a dispute over the plot bearing Khata No. 502, Khesra No. 609 measuring one bigha four kattha situated at village Bakhari Nazir. The dispute aggravated during the period of sowing and harvesting or planting over the land.

It is the case of the petitioner that through a partition suit bearing Title Suit No. 281 of 1927 the land in question fell in exclusive share of the petitioner's father and the petitioner's father was in possession over the land. It is stated that after death of the petitioner's father the private respondents started creating disturbance in peaceful possession of the petitioner's family. At one stage Section 144 Cr.P.C. proceeding was also initiated at the instance of the respondent no. 8 but later on the same was stopped in view of the judgment in the title suit.

Learned counsel for the petitioner submits that the petitioner had earlier filed a complaint case bearing no. C2468 of 2015 in which cognizance has been taken on 29.08.2016 and some of the private respondents and others have been summoned. It is further stated that the petitioner had filed another case being Mehshi P.S. Case No. 50/2017 dated 16.03.2017 under Sections 384, 385, 386, 504, 506/34 of the



Indian Penal Code and also a proceeding under Section 107 of the Code of Criminal Procedure was initiated. In this case chargesheet has been filed against the accused persons and they were also arrested.

Learned counsel submits that the issues with regard to the security of the petitioner still remains.

Learned counsel for the State submits that in such circumstances it is open for the petitioner to file an appropriate application in the concerned jurisdictional Police Station with all such materials to support his threat perception which may be duly enquired into and an appropriate decision may be taken thereon. Learned counsel submits that if such an application is filed within the jurisdictional Police Station, the competent authority may consider the threat perception of the petitioner and take appropriate steps within a reasonable time.

Having regard to the facts and circumstances of the case, at this stage without forming any opinion as regards the threat perception of the petitioner, this Court grants liberty to the petitioner to approach the jurisdictional Police with appropriate materials to satisfy them as regards the threat perception to the petitioner and his family members. If such materials and complaint are submitted before the jurisdictional Police Station,



the same will be enquired into and appropriate decision shall be taken by the competent authority within a reasonable period preferably within a period of three months from the date of submission of application.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

