

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1161 of 2021

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

DAULAT DEVI, Wife of Ram Kumar Jha @ Ram Kumar Resident of village
and Post - Jagdishpur Kahuwa, P.S. - Biraul, District - Darbhanga

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Bihar
4. The Deputy Inspector General of Police, Darbhanga Bihar
5. The District Magistrate, Darbhanga Bihar
6. The Senior Superintendent of Police, Darbhanga Bihar
7. The Sub-Divisional Officer, Biraul, District - Darbhanga Bihar
8. The Sub-Divisional Police Officer, Biraul, District - Darbhanga Bihar
9. The Circle Officer, Biraul, District - Darbhanga Bihar
10. The Officer In-charge-cum- S.H.O of Biraul Police Station, District - Darbhanga Bihar
11. Baidyantah Mishra @ Dular Babu Son of Late Ram Shankar Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
12. Arun Kumar Mishra Son of Late Krishna Kumar Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
13. Ram Kumar Mishra Son of Late Krishna Kumar Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
14. Ram Vinay Mishra Son of Late Krishna Kumar Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
15. Anish Mishra @ Manchun Son of Late Shiv Kumar Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
16. Raj Kumar Mishra Son of Late Shiv Kumar Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
17. Hira Mishra Son of Late Radha Raman Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
18. Kanahiya Mishra Son of Late Radha Raman Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
19. Mohar Mishra Son of Late Radha Raman Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
20. Vipin Mishra Son of Late Radha Raman Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga.
21. Awadh Kishore Jha Son of Ganesh Jha Resident of village - Jagdishpur, P.S. - Biraul, District - Darbhanga



22. Mahesh Jha Son of Dharm Narayan Jha Resident of village - Jagdishpur, P.S. - Biraul, District - Darbhanga
23. Umesh Jha Son of Dharm Narayan Jha Resident of village - Jagdishpur, P.S. - Biraul, District - Darbhanga
24. Kashi Kant Jha Son of Late Gita Prasad Jha Resident of village - Jagdishpur, P.S. - Biraul, District - Darbhanga
25. Suresh Jha Son of Late Gita Prasad Jha Resident of village - Jagdishpur, P.S. - Biraul, District - Darbhanga
26. Yugal Kishore Jha Son of Late Gita Prasad Jha Resident of village - Jagdishpur, P.S. - Biraul, District - Darbhanga
27. Uday Chandra Mishra Son of Late Anand Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga
28. Gopal Mishra Son of Late Shiv Shankar Mishra Resident of village - Kahuwa, P.S. - Biraul, District - Darbhanga

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Adv.
For the Respondent/s : Mr.Iqbal Asif Niyazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2022 The petitioner in the present case has prayed for a direction to the respondents to institute a high level enquiry by specialized agency to enquire into the allegations of cheating, fraud and misappropriation by the respondents.

The petitioner alleges that the respondent 2nd set has forged and fabricated the documents in order to forcefully encroach upon the land of the petitioner.

It appears on going through the statements made in the writ application that one F.I.R. being Biraul P.S. Case 22 of 2021 dated 06.04.2021 has been registered. Annexure '5' to the writ application is a report submitted by the concerned Police



Station to the Sub-Divisional Magistrate, Biraul, Darbhanga in which he has recommended for initiation of a proceeding under Section 144 Cr.P.C. The said report is dated 02.04.2021.

The petitioner claims that she has filed a petition before the Senior Superintendent of Police, Darbhanga to lodge an F.I.R. against the accused persons and take punitive action against them. A copy of the said petition has been enclosed as Annexure '7' to the writ application. She has also moved to the Sub-Divisional Police Officer, Biraul for redressal of her grievance vide Annexure '8' to the writ application and then to the District Magistrate, Darbhanga vide Annexure '9' to the writ application.

It appears from Annexure '7' that she had made a request to the Senior Superintendent of Police, Darbhanga to lodge an F.I.R.

To this Court, it appears that if the Superintendent of Police has not lodged an F.I.R, the petitioner could have been well advised to move under Section 156(3) Cr.P.C. before the competent court of law. A writ petition directly before this Court for lodging of the F.I.R. cannot be entertained.

This application is, therefore, being disposed of with liberty to the petitioner to seek her remedy before the competent



court in accordance with law.

So far as the prayer for proper security to the petitioner, her family and the witnesses at the hands of the respondent 2nd set is concerned, she may file an appropriate application before the Senior Superintendent of Police, Darbhanga who will examine the threat perception of the petitioner, her family and the witnesses, if any, and upon being satisfied with the genuineness of the apprehension expressed by the petitioner, he shall take appropriate steps in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-
tusharika/-

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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'.

