

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.376 of 2017

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

Arjun Prasad Singh S/o Late Anandi Prasad Singh, Resident of Mohalla- Sant
Nagar, Ward No.- 35, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna.
2. The Secretary, Bihar State Human Rights Commission, Bihar, Patna.
3. The Director General of Police cum Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.
6. The Superintendent of Police, Saharsa.
7. The Sub Divisional Police Officer, Saharsa.
8. The Officer-in-Charge, Saharsa, P.S. Saharsa.
9. The Assistant Sub Inspector of Police, Saharsa, P.S.- Saharsa.
10. Baijnath Singh, S/o Late Binda Prasad Singh, Resident of Village- Barauri, P.S. District- Supaul.
11. Anil Kumar Singh, S/o Baijnath Singh, Resident of Village- Barauri, P.S. and District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Sinha, Advocate
For the State	:	Mr.Md. Irshad AC to SC-1
For the Resp.No.10,11	:	Mr. Randhir Kumar No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2022 When the matter has been taken up for consideration learned counsel for the petitioner prays for time. Considering that this case is of the year 2017 and is pending for more than five years and even though the pleadings are complete, prayer for adjournment is being



made. This Court refuses to grant adjournment.

Heard learned counsel for the parties.

Petitioner in the present case is praying for the following reliefs:-

- “(i) To direct the respondents to protect the life and property which is at stake at the behest of the respondents particularly the respondent no. 11 who is the son of respondent no. 10 and happens to be the Superintendent of Police, Khagaria.
- (ii) To retrain the respondents from lodging false/frivolous and fabricated criminal cases by misusing power and position.
- (iii) To direct the respondents to provide constitutional safeguards as enshrined under Article 21 of the Constitution of India.
- (iv) To direct the respondents to make the compensation to the petitioner amounting to Rs. 2 lacs on account of physical & mental agony caused by the respondents.
- (v) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

It is the case of the petitioner that he is familiar with private respondent no. 10 since long and on his invitation he came to the house of private respondent on 15.10.2002. It is stated that the private respondent made a proposal to look after the landed property which was Barren land and were purchased in the name of his wife and in lieu



thereof he was ready to pay Rs. 4000/- per month as wages.

It is further case of the petitioner that private respondent no. 10 asked the petitioner to construct a house in the south-western corner of the land. Petitioner planted number of trees like Mango, Guava etc. and also planted 30 pieces of Sagwan Trees. With permission of the private respondent no. 10, it is claimed that the petitioner also constructed three rooms, one kitchen and worship house after filling up the ditch. He alleges that though he works so hard but the respondent no. 10 used to take away the crops standing in the land and provided only Rs. 30,000/- to the petitioner.

Lastly, it is alleged that on 09.05.2016, the private respondent no. 10 arrived at the house of the petitioner along with police personnel and asked him to vacate the land and go to some other place. Allegation is that son of respondent no. 10 happened to be the Superintendent of Police of Khagaria District and he was not interested and willing to provide the land and house to the petitioner. It is alleged that the petitioner has been falsely implicated thereafter in Saharsa P.S. Case No. 614/2016 and one



Dinesh Ram Executive Officer of Nagar Parishad, Saharsa lodged another case bearing SC/ST P.S. Case No. 32/2016. Thereafter a third case bearing Saharsa Sadar P.S. Case No. 674 of 2016 has been registered against the petitioner's wife, daughter-in-law, daughter and son-in-law Jai Prakash Singh.

Learned counsel for the respondent no. 11 refers the counter affidavit filed on his behalf. It is submitted that on the face of the statements made in the writ application itself, it is crystal clear that father of respondent no. 11 trusted the petitioner by engaging him to look after the agriculture work but this petitioner proved to be a dishonest man having dishonest intention who got indulged in fabricating documents with regard to holding of the house of respondent No. 10 and all these things have surfaced in course of investigation of the case.

It is submitted that the respondent no. 6 has filed a counter affidavit with which he has brought on record the letter no. 845 dated 22.07.2016 written by the Executive Officer, Nagar Parishad, Saharsa to the Officer-in-Charge, Sadar Saharsa. On perusal of the said letter, it would appear



that the Executive Officer has found that the petitioner has by unlawful means fabricated the holding receipt of the land of respondent no. 10.

In the nature of the materials present in the writ application, the case and counter version of the respondents, this Court finds that it is a totally misconceived writ application filed by the petitioner. The nature of disputes are such that this Court would not go into such issues and at this stage there is no plausible ground available to the petitioner to seek the reliefs prayed in the writ application.

This Writ Application has no merit. It is dismissed, accordingly.

Petitioner may, however, seek his remedy for proper investigation of the case if the same is pending against him.

(Rajeev Ranjan Prasad, J)

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'.

