

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1309 of 2017

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

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1. Kumar Markanday Singh S/o Kalika Prasad Singh, resident of- Jagdishpur Bisan Tola, P.S. Jagdishpur, District- Bhojpur.
 2. Kumar Mukesh Singh S/o Sri Kalika Prasad Singh, resident of- Jagdishpur Bisan Tola, P.S. Jagdishpur, District- Bhojpur.
 3. Ranjit Raj @ Ranjit Kumar S/o Late Raghunath Prasad resident of- Mahanthi Mathiya, Jagdishpur, Ward No. 6, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioners

Versus

1. The State Of Bihar, Through The Chief Secretary Government Of Bihar, Patna
2. The Principal Secretary, Urban Development and Housing Development, Government of Bihar.
3. The Sr. Superintendent of Police, Bhojpur, Ara, Bihar.
4. The Superintendent of Police Bhojpur, Ara, Bihar.
5. The District Development Officer, Bhojpur, Ara.
6. The District Magistrate, Bhojpur, Ara.
7. The Inspector of Police, Jagdishpur Police Station District Bhojpur.
9. The Block Development Officer Bhojpur Ara.
10. Head Ward Counsellor, Rita Kumari W/o Mukesh Kumar @ Guddu Kumar resident of Thana Road infront of S.B.I. Branch Jagdishpur, P.S. Jagdishpur, District- Bhojpur, Ara.
11. Sri Ram Ekbal Prasad @ Paswan S/o Late Bhagat Sah Clerk Assistance, Nagar Panchayat Jagdishpur, Bhojpur, Ara. resident of Choubepur Chhavani, P.S. Agiyaon, District Bhojpur.
12. Jakir Hussain, Assistant Junior Engineer, Nagar Panchayat, Bhojpur, Ara.
13. Sri Anubhuti Srivastav S/o Rajendra Prasad, Executive Officer, Nagar Panchayat Bhojpur Ara. resident of- 156 El DECO, Greens, P.S. Gomti Ngar Lucknow 226010 UP.
14. Ram Sakal Gupta Junior Engineer Nagar Panchayat, Jagdishpur, Bhojur, Ara.

... .. Respondents

Appearance :

For the Petitioner/s : Ms.Mira Kumari, Advocate
For the Respondent/s : Mr.Sheo Kumar, A.C. to G.A-3
For the Resp. No.10, 11, and 12: Mr. Ravi Shankar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD



ORAL ORDER

4 12-12-2022 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the respondent nos. 10, 11 and 12.

This writ application has been filed seeking a direction to respondent nos. 1 to 7 to institute a case against the official and non official respondent nos. 8 to 14 and others.

Learned counsel for the petitioners has heavily relied upon a joint report submitted by the Executive Magistrate to the Sub-Divisional Officer, Jagdishpur, Bhojpur (Annexure '7' to the writ application). Learned counsel submits that on perusal of the joint report it would be noticed that prima-facie the allegations have been found correct and those are required to be investigated after registration of the F.I.R.

Learned counsel submits that the Sub-Divisional Officer, Jagdishpur, Bhojpur sent it's joint report to the District Magistrate, Bhojpur, Ara vide letter no. 170 dated 27.02.2015 which is part of Annexure '7' but since then the District Magistrate, Bhojpur, Ara is sitting over the matter and no action has been taken thereof.

Learned counsel for the State submits that the petitioner has approached this Court directly under Article 226 of the Constitution of India for a direction to register the F.I.R. Prior to



moving this Court the petitioners were required to act in accordance with the judgment of the Hon'ble Supreme Court in the case of **Priyanka Srivastava & Anr Vs. The State of Uttar Pradesh and Ors.** reported in **(2015) 6 SCC 287**. It is submitted that the petitioners have not followed the procedure on this behalf.

Learned counsel for the respondent nos. 10, 11 and 12 has also opposed this application.

Considering the facts and circumstances of the case, wherein there is no denial of the fact that the petitioners have not approached the competent court in terms of Section 156(3) Cr.P.C. to register the F.I.R. and have directly moved this Court under Article 226 of the Constitution of India, keeping in view the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu v. State of U.P. & Ors.** reported in **AIR 2008 SC 907**, this Court is of the considered opinion that a direct filing of writ application for registration of F.I.R. is required to be discouraged. This Court would not entertain this writ application. Liberty is there to the petitioners to approach the competent court in this regard in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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