

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1283 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- BAGHA District- West Champaran

Satrugshan Baitha S/o Manshi Baitha R/V- Mehuda, Ward no. 04, P.S.-
Bagaha, Distt- West Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Home Department, Government of Bihar, Patna
2. The Principal Secretary Home Department, Government of Bihar, Old Secretariat Patna
3. The Director General of Police, Government of Bihar, Old Secretariat, Patna
4. The Inspector General of Police, Tirhut Range, Muzaffarpur
5. The Superintendent of Police, Bagaha, West Champaran
6. The Deputy Superintendent of Police, Bagaha, West Champaran
7. The Officer In-charge, Bagaha(Pathkhauli) Police Station, West Champaran
8. The Principal Secretary, Energy Department, Government of Bihar
9. The Managing Director, North Bihar Power Distribution Company Limited, Patna
10. The Director, Bihar State Power (Holding) Company Limited, Bihar
11. The Superintending Engineer, North Bihar PDCL, Electric Supply Circle, West Champaran
12. The Executive Engineer, North Bihar PDCL, Electric Supply Division West Champaran
13. The Engineer, North Bihar Power Distribution Company Limited, Electric Supply Division West Champaran
14. Prem Raj, The Executive Engineer, North Bihar PDCL, Electric Supply Div. Bagaha, West Champaran
15. Manoj Kumar Sah, The Assistant Electrical Engineer, North Bihar PDCL, Div. Bagaha, West Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate
For the Respondent/s : Mr.Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and Mr. Iqbal Asif
Niazi, learned AC to GP-5 for the State.

2. The petitioner in the present case is seeking the



following reliefs:-

“i. To issue an appropriate writ or direction for entrusting the investigation of Bagha (Pathkhauli) P.S. Case no. 139 of 2021 to any specialized agency such as C.B.I. , State Vigilance, C.I.D. or Special Agency for the fair and proper investigation of the above case or else directs the Respondent Authorities to investigate the Bagha (Pathkhauli) P.S. Case no. 139/ 2021 properly and take appropriate action and positive steps for the arrest of the Respondent No. 14 and 15 forthwith and submit chargesheet against them.

ii. To issue an appropriate writ or direction to the Respondents No. 14 to immediately appear before the learned court below in connection with Kishanganj Police Station Case no. 66 of 2016 dated 07.03.2016 for the offences under Sections 406, 420, 120(B) of the I.P.C. in which he is a wanted accused and misappropriated the government money, but the department officials have transferred him to west Champaran and he is enjoying his service.

iii. To issue further appropriate writ order or direction commanding the official Respondents to take every possible step by the office order against the conduct of the Respondents No. 14 and 15 immediately.

iv. To issue further writ, order, or direction commanding the Respondents to take all steps for the arrest of the Respondents to take all steps for the arrest of the Respondent No. 14 and 15 forthwith, therefore the fear of not breaking the law shall be maintained in the society.

v. This Hon'ble Court may further adjudicate and hold that it was the duty of the Respondent Authorities to take appropriate steps/ action



immediately for the arrest of Respondents no. 14 and 15 but they have not taken any action against the scammers.

vi. To allow any other relief or reliefs for which the petitioner is found entitled in the fact and circumstances of the case.”

3. Learned counsel for the petitioner submits that this petitioner is a citizen of India and being a resident of the State of Bihar he has chosen to invoke the jurisdiction of this Court for his legitimate, just and bonafide grievances. The petitioner alleges that there was a scam and in relation to the same the Assistant Electric Engineer, Supply, Bagaha acted casually and for completing the formalities got registered a case vide Bagaha (Pathkhauli) P.S. Case No. 139 of 2021 dated 12.03.2021 for the offences under Section 379 IPC. It is stated that the police as well as Investigating Officer sat tight over the matter and they are not taking any action pursuant to the said FIR. The allegation is that several tons of wire have been stolen by unknown thieves but the police could not recover a single meter of wire. The petitioner is said to have submitted a complaint against respondent nos. 14 and 15 before the Hon’ble Members of the Parliament and the Hon’ble Member of the Parliament, Mr. Satish Chandra Dubey had issued a letter to the Secretary, Energy Department, Government of Bihar mentioning the entire facts of the matter and also recommended the transfer of Respondent nos. 14 and 15 to another district. Thereafter, the petitioner complains that one day when heavy rains occurred with storm and lightening, the



electricity supply was disrupted because of falling of trees. Thereafter, the electricity was resumed after a week, as there was no alternative option available for the electricity supply to the people of Bagaha. At this stage, it is stated that being a Ward Member, the petitioner went to the officers of the Electricity Department, Bagaha and asked for the reason as to why the wires were removed but no information was given. Later on, respondent nos. 14 and 15 disclosed that the wire had been stolen by unknown thieves and for the said occurrence, a First Information Report has been lodged by the department vide Bagaha (Pathkauli) P.S. Case no. 139/2021. The petitioner has again made representation in this regard and has submitted a representation to the Managing Director of North Bihar Power Distribution Company Limited alleging that the departmental officials have committed such kind of fraud and they lodged false case against the unknown thieves for hiding their scam. The grievance of the petitioner is that no action at all has been taken on his complaint.

4. When this Court called upon the learned counsel for the petitioner to satisfy this Court as to what is the locus standi of the petitioner, whether he is informant of the case lodged in the year 2016 or in the year 2021 or that he has taken any step to lodge a case in accordance with law for any alleged cognizable offence if it is within his knowledge, learned counsel for the petitioner submits that this petitioner is not informant of the cases and he has not taken any



step to lodge a case showing commission of a cognizable offence.

5. On making a query as to why the informant of the case being Bagaha (Pathkauli) P.S. Case no. 139/2021 and Kishaganj P.S. Case no. 66/2016 who are Executive Engineer and Assistant Electrical Engineer respectively of the power company have been made respondent nos. 14 and 15 to the writ application, learned counsel for the petitioner submits that it is they who are involved in the theft of the wire.

6. Mr. Iqbal Asif Niazi, learned AC to GP-5 has opposed this writ application. It is submitted that this writ application seems to be malicious and the petitioner being a Ward Member and otherwise politically active is involved in settling his score with Respondent nos. 14 and 15 and the petitioner, having no locus standi to file this writ application directly before this Court, has only abused the process of this Court.

7. Having heard learned counsel for the petitioner and learned AC to GP-5 for the State and upon a careful perusal of the statements made in the writ application together with the enclosures thereto, this Court is of the considered opinion that the writ application, as framed, cannot be entertained. This Court is not sitting in public interest litigation roster, moreover, the tone and tenor of the statements made in the writ application go a long way to suggest that the petitioner who is Ward Member has his own grievances against Respondent nos. 14 and 15 and he was looking for their transfer from



the present place of posting. Having failed to achieve his goal, the petitioner has filed this writ application. The fact remains that for the alleged theft of the electric wire, the authorities of the North Bihar Power Distribution Company Limited have lodged two separate FIRs and nothing has been brought to the notice of this Court to show that the investigation of those cases are indicating any involvement of Respondent nos. 14 and 15. Further the petitioner has not shown commission of any cognizable offence by the Respondent nos. 14 and 15 by taking any appropriate steps in accordance with law for vindicating his grievances.

8. On ultimate analysis, this Court would have no hesitation in reaching to a conclusion that to settle his personal score with Respondent nos. 14 and 15, this writ application has been presented.

9. This writ application is dismissed.

10. For wasting the time of the Court by filing this kind of application, this Court deems it just and proper to impose a cost of Rs. 20,000/- (Rupees Twenty Thousand only) upon the petitioner which he would be liable to deposit with the Patna High Court, Legal Aid Services Authority within a period of four weeks from today failing which the same will be realized in accordance with law.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

