

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1711 of 2018

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

Arbind Kumar Singh son of Late Sukhdeo Prasad Singh, Resident of Village- Bharatkhand Deorhi, Police Station- Parbatta, District- Khagaria.

... .. Petitioner

Versus

1. The State Of Bihar Through Chief Secretary Government Of Bihar, Patna
2. The Home Secretary, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Chairman, Bihar School Examination Board, Bihar, Patna.
5. The Inspector General of Police, Vigilance Department, Government of Bihar, Patna.
6. The District Magistrate, Khagaria.
7. The Superintendent of Police, Khagaria.
8. Mr. R.K. Mahajan, The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
9. Mr. A.K. Pandey, The Director, Higher Education, Government of Bihar, Patna.
10. Mr. Anup Kumar Sinha, The Secretary, Bihar School Examination Board, Bihar, Patna.
11. Mr. Suresh Sahu, The District Education Officer, Khagaria.
12. The Sri Braj Bhushan Mishra, S/o Late Dilip Narayan Mishra, Village Post- Bharatkhand Naya Niwas, P.S.- Parvatta, District- Khagaria and Incharge Principal-cum- Secretary Sant. Binova Inter College, Bharatkhand, Parvatta, Police Station- Parbatta, District- Khagaria.
13. The Raghubansh Narayan Singh, S/o Late Dasharth Prasad Singh, Village Post- Bharatkhand Deorhi, Police Station- Parvatta, District- Khagaria, Pin Code- 853203
14. Haldhar Prasad Singh, S/o Late Dasharth Prasad Singh, Village Post- Bharatkhand Deorhi, Police Station- Parvatta, District- Khagaria, Pin Code- 853203
15. Jatashankar Singh, S/o Late Harihar Singh, Village Post- Srdiha, Police Station- Bakhtiyarpur, District- Saharsa holding the Post as College Barsar Sant. Binova Inter College, Bharatkhand, Khagaria.
16. Sri Sant Kumar Singh and Jivendra Kumar, Both S/o Late Shiv Narayan Singh, Village Post- Bharatkhand Deorhi, Police Station- Parvatta, District- Khagaria, Pin Code- 853203 Cashier and Land Seller



17. Sri Shambhu Nath Singh, S/o Late Jagar Nath Singh, Village-Bhawani Pur, Post- Narayanpur, Police Station- Bihpur, District-Bhagalpur, Pin Code 853203 the then Secretary of Management Committee.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Pramod Rajpati, Advocate
For the Respondent/s : Mr.Amit Bhushan, AC to G.P.-17
For the Vigilance : Mr. Arbind Kumar, Spl.PP/Vig.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and Mr. Amit Bhushan, learned AC to GP-17 for the State.

Petitioner, in the present case, is seeking a direction to the respondent authorities to lodge a First Information Report.

Petitioner is claiming himself to be the founder teacher of the college and at the relevant time he was said to be working as senior-most of all the teachers in the college. Respondent nos. 13 & 14 are his own brothers. The allegation is that they have captured the college. These are the background of the case in which the present writ application has been filed alleging that the land of the institution is being grabbed by the land mafias and for that reason he had sought to lodge a First Information Report.

At this stage, learned counsel for the petitioner admits that after intervention of the State's Human Rights Commission a First Information Report was lodged and the matter was



investigated but his grievance is that the F.I.R. was lodged only against one person and ultimately a final form was submitted.

Learned counsel, however, submits that learned Magistrate in the court below differed with the police report, took cognizance of the offences alleged and summoned the sole accused to face the trial.

At this stage, once again the petitioner is looking for a direction from this Court for lodging of the F.I.R. against several persons named in the petition.

Learned counsel for the State is present and has submitted that petitioner has no locus. Even as this Court finds that the concept of *locus-standi* is foreign to criminal jurisprudence and the submission of learned counsel for the State would not be acceptable to this Court.

In the facts of the present case, however, this court is of the considered opinion that once a First Information Report was lodged at the instance of the petitioner, may be against only one person and in course of investigation no material could be collected against all others and even the learned Magistrate did not find fit to proceed against any other person save and except one who was named in the F.I.R., at this stage, it would not be appropriate to this Court being a constitutional court to



direct lodging of the F.I.R. against others. The fact remains that the petitioner has not applied for further investigation. This court called upon learned counsel for the petitioner to say as to whether any protest petition was filed by the petitioner. The answer is in negative. Learned counsel for the petitioner submits that he has no information.

Be that as it may, in the circumstances stated above this Writ Application cannot be entertained. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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