

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.193 of 2023

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

MANOJ KUMAR SON OF LATE AMBIKA PRASAD R/O MOHALLA-
PATTAL BAZAR, MAROOF GANJ, P.S.- MALSALAMI, P.O.- PATNA
CITY, DISTT.- PATNA ... Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY
CUM HOME COMMISSIONER, HOME DEPARTMENT GOVT. OF
BIHAR
2. THE OFFICER-IN-CHARGE PRAMOD KUMAR YADAV,
MALSALAMI, P.S.- PATNA CITY
3. RAVI KUMAR BANKA SON OF LATE SHYAM SUNDA BANKA R/O
MOHALLA- JHAUGANJ, GHAT LANE, PATNA CITY, WARD NO. 66,
P.S.- CHOWK, P.O.- PATNA CITY, DISTT.- PATNA
4. SHALEKH BANKA SON OF SRI SITA RAM BANKA R/O MOHALLA-
JHAUGANJ, GHAT LANE, PATNA CITY, WARD NO. 66, P.S.- CHOWK,
P.O.- PATNA CITY, DISTT.- PATNA
5. DARSHAN KASHERA SON OF LATE SUNDER KASHERA R/O
MAULADANKA KUCHA WARD NO. 65, P.S.- KHAJEKALLA, DISTT.-
PATNA
6. SITA RAM BANKA NOT GIVEN R/O MOHALLA- JHAUGANJ, GHAT
LANE, PATNA CITY, WARD NO. 66, P.S.- CHOWK, P.O.- PATNA CITY,
DISTT.- PATNA
7. RAVI YADAV @ RUDDAL YADAV SON OF LATE SHIVJI YADAV R/O
MARUKHGANJ KHUDRA GALI, PATNA CITY, P.S.- MALSALAMI,
DISTT.- PATNA
8. ANIL YADAV SON OF LATE SHIVJI YADAV R/O MARUKHGANJ
KHUDRA GALI, PATNA CITY, P.S.- MALSALAMI, DISTT.- PATNA
9. RAJAT YADAV SON OF LATE SHIVJI YADAV R/O MARUKHGANJ
KHUDRA GALI, PATNA CITY, P.S.- MALSALAMI, DISTT.- PATNA
10. SHIVU YADAV SON OF RAJU YADAV R/O SAHDARA NAGLA, P.S.-
MALSALAMI, PATNA CITY ... Respondents

Appearance :

For the Petitioner	:	Mr.Mani Bhushan Kumar, Adv.
For the State	:	Mr. Md. Nadim Seraj, GP V
For Respondents 3 to 10 :	:	Mrs. Shama Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-04-2023 Counsel for the petitioner is directed to remove the
defect(s) within two weeks.



Heard learned counsel for the petitioner, the State and the private respondents.

The present application has been filed by the petitioner with relief to arrest the private respondents who have illegally captured the shop of the petitioner and looted the articles/goods.

Counsel for the petitioner submits that the petitioner has taken two godowns from the land owner for one year with rent agreement, which is Annexure 2. He submits that in the said godowns the petitioner has kept his entire materials, but, private respondents entered in the same and taken the said godowns into their possession and the petitioner was not permitted to enter into the said godowns with a view to take his goods.

Counsel for the State appeared and submits that there is no material the petitioner has annexed in the writ petition by virtue of which he can say that the said materials he has purchased and kept in the godowns. The petitioner has only one document that is the godowns have been taken by him on rent.

In this background, this Court has only one option left to direct the petitioner to visit the Senior Superintendent of Police, Patna, within four weeks from today in the light of the



order passed by the coordinate Bench in Cr.W.J.C. No. 153 of 2017 (Surendra Singh Vrs. State of Bihar & Ors.) and analogous cases decided on 09.09.2022, where the petitioner is directed to produce the proof of all his purchases of the goods and as well as putting his articles in the godowns and the Senior Superintendent of Police shall take appropriate action in the matter so that the petitioner may receive his goods in accordance with law and do all needful under after entertaining his application annexed in this petition as Annexure 1.

Mrs. Shama Sinha, counsel, submits that she has received vakalatnama for private respondents to defend the case. She is at liberty to represent before the Senior Superintendent of Police in this matter.

With this observation, this criminal writ petition is **disposed off.**

(Dr. Anshuman, J)

Shamshad/-

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