

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.339 of 2020

Arising Out of PS. Case No.-356 Year-2013 Thana- SASARAM NAGAR District- Rohtas

Prabhunath Singh Son of Late Laxman Singh, Resident of Takiya, P.S.-
Sasaram Model, Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Department of Home, Govt. of Bihar, through the Principal Secretary.
3. The Principal Secretary, the Department of Home, Govt. of Bihar.
4. The Director General of Police, Bihar.
5. The Superintendent of Police, Rohtas.
6. The Office-in-Charge, Sasaram Model Town, Rohtas.
7. The Office-in-charge, SC/ST, P.S. Dehri-on-Sone, Rohtas.
8. Rajesh Prasad Son of Late Rajvansh Prasad Resident of Yusufchak Takiya,
P.S.-Sasaram Model, Ward no.1, District-Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok, Adv.
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-03-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

The present Cr. Writ Petition has been filed by the
petitioner seeking direction to the respondent to conduct
investigation through C.B.I. in all seven F.I.Rs. lodged against
him by the different members of the same family (husband, wife
and mother) particularly when in a land dispute, a title suit was
decided in favour of petitioner.

Learned counsel for the petitioner submits that there are in total seven criminal cases filed by the one and same family with a view to harass the petitioner. He further submits that a Title Suit No. 511 of 2004 (Mahendra Singh & Others Versus Rajkamal Paswan & Others) have been decided on 27.02.2016 and upon losing the suit when the petitioner started taking action for implementation of the order passed in the title suit, seven cases were filed in the year 2018 & 2019 by the respondents family, therefore, the petitioner seeks investigation through C.B.I.

Learned counsel for the State submits that for handing over the investigation to C.B.I., there must be the specific situation. In the present case those situations are not attracted.

Learned counsel for the petitioner submits that if C.B.I. shall not investigate these cases, then any independent agency may investigate in these matters, so that justice be made with the petitioner and he may be saved from unnecessary harassment.

For conducting the investigation through C.B.I. there is a decision of this Court in the matter of ***Sanjay Tiwary Versus The State of Bihar and Others*** passed in ***Cr.W.J.C. No.***

478 of 2019 decided on 07.03.2019 which is also reported in **PLJR 2019 (2) 91**. According to which handing over the investigation to another agency like C.B.I. in exercise of powers conferred under Article 226 of the Constitution of India is to be exercised by the Court sparingly, cautiously and in exceptional situations as mentioned in paragraph no.9 of the said judgment based on the judgment of *State of West Bengal Versus Committee for Protection of Democratic Rights [(2010) 3 SCC 571]*.

I am not inclined to grant the relief to the petitioner for investigation of his cases through C.B.I., but liberty is granted to the petitioner that he shall represent himself before the Superintendent of Police, Rohtas at Sasaram raising all his grievances under which the judgment debtors and their family are filing several criminal cases against him within four weeks from the date of passing of this order, and the concerned Superintendent of Police shall setup a team to look into this matter and take decision on the basis of the report of said team whose members shall be independent from the persons relating to those seven criminal cases. Upon receiving the report, the Superintendent of Police, Rohtas at Sasaram shall take necessary steps within six weeks.

With these observations, the present Cr. Writ
Petition stands disposed off.

(Dr. Anshuman, J.)

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CAV DATE	
Uploading Date	
Transmission Date	