

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1554 of 2018

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

HARENDRA SAH son of Late Shiv Narayan Sah resident of village -
Baraharia, P.S. - Baraharia, District - Siwan.

... .. Petitioner

Versus

1. The State of Bihar
2. The Certificate Officer, Siwan, P.O. P.S. and District - Siwan.
3. The Excise Superintendent, P.O. P.S. and District - Siwan.
4. Upendra Prasad, Head Clerk, Pesikar, Excise Office, son of Mahendra Prasad resident of village - Barh, Pajabe mohalla - P.O. P.S - Barh, District - Siwan.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Kaushal Kishore Mishra, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P.-7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 14-03-2023

Heard learned counsel for the parties.

By way of this application, the petitioner has
prayed for the following reliefs:-

“This criminal writ petition is being filed for taking suitable legal action against Respondent No.4 Upendra Prasad, Pesikar Certificate Officer, Siwan, and Respondent No.2 and 3 who in league and conspiracy allowed the petitioner to go to jail and being released from custody after a period of 37 days and that too after depositing the certificate money (already in deposit with him) from own pocket of Pesikar. The money in question deposit with the Pesikar since the year 2014. The said money was given to Pesikar by the



ex-proprietor of the petitioner namely Ramayan Prasad, the petitioner has got unimpeachable evidence of witness to testify the fact. The witness are ready to support the case even by swearing affidavits and oral evidence in the competent Court, the Respondents No. 2 to 4 have committed criminal breach of trust being public servant and have committed serious jurisdictional error in discharge of their official duty. The matters shall come true if investigated by a team (committee) the petitioner for security reason could not raise the matter before, the matter is serious alarming and sensitive and hence this writ for stringent action against the Respondents No.2 to 4 and other suitable actions as Your Lordships may deem fit and proper in the facts and circumstances of this case.”

The relief, as prayed for, is based on disputed questions of fact, which cannot be decided by this Court in a writ jurisdiction. Therefore, this application is dismissed with a liberty to the petitioner to raise his grievances in an appropriate Forum/Court in accordance with law.

(Sandeep Kumar, J)

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