

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.341 of 2022

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

SANJAY KUMAR S/o Late Krishan Prasad Resident of Gola Road, Nawada,
P.S.- Nawada Nagar, District- Nawada. A/p resident of Karbighahia, P.S.-
Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar represented through Chief Secretary, Deptt. of Home Affaris, Govt. of Bihar Sitting at Old Secretariat Building, Beiley Road, Patna.
2. Superintendent of Police, Nawada, (Bihar)
3. The Officer- in charge, Nawada Nagar Police Station, Nawada (Bihar).
4. Basudeo Sah S/o Late Hira Sao Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
5. Pankaj Kumar S/o Aryug Sao Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
6. Dipu Kumar S/o Ishwari Sao Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
7. Raj Kumar Sao S/o Late Baldeo Sah Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
8. Munna Pd. S/o Late Baldeo Sah Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
9. Raghunandan Prasad S/o Late hari Lal Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
10. Ramchandra Prasad S/o Late Amrit Sao Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
11. Vinay Kumar S/o Ramchandra Pd. Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
12. Suddu Kumar S/o Ramchandra Prasad Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
13. Goldi Kumar S/o Ramchandra Prasad Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.
14. Muneshwar Prasad S/o Late Nandlal Sao Resident of Gola Road, Nawada, P.S.- Nawada Nagar, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Mohan
For the Respondent/s : Mr.M. Nasrul Huda Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA



ORAL ORDER

4 27-09-2023 1. The petitioner is the owner of a piece of land purchased by his mother namely, Nirmala Devi by registered sale deed dated 03.12.1991 from one Baldeo Sao, S/o Nandlal Sao, resident of Gola Road, P.S.: Nawada, District – Nawada. The land is situated in Tauzi No. 5420, Thana No. 360, Khata No. 140 (Old), New Khata No. 300, 301, Plot No. 213 (old), New Plot No. 120, 120(a), Ward No. 4 (old) having area of $\frac{3}{4}$ decimal.

2. The grievance of the petitioner is that on 30-10-2021 at about 8:30 A.M. the petitioner arrived at his land for construction of house. At the same time all the private respondent nos. 4 to 14 came near the land armed with different kind of weapons like lathi, iron rod, bamboo stick and pistol and abused the petitioner, labours and Mason and they objected the construction work upon the land in question. The private respondents are local residents whereas the petitioner resides at Karbigahiya, P.S.:- Jakkanpur, District- Patna. The private respondents are making undue pressure upon the petitioner in order to extort rupees two lakhs in the form of *rangdari* [extortion] for allowing the petitioner to make construction over his own land.

3. A complaint has been filed before the Officer-in-



charge, Nawada Nagar Police Station, Nawada (Bihar) / respondent no. 3, but no step has been taken by the S.H.O. A representation in this regard has also been submitted by the petitioner on 03-10-2021 to the Superintendent of Police, Nawada (Bihar) but no action has been taken.

4. On the other hand learned counsel for the State referring to paragraph no. -7 of the counter affidavit filed on behalf of the respondent no. 02 submits that S.D.P.O., Nawada submitted report vide his letter no. 1550 / Sadar dated 16.04.2022 in which the inquiry report of the S.H.O., Nawada Town P.S. was also attached and from perusal of the same it appears that petitioner never complained or filed any application before the S.H.O. Nawada Town P.S. He further submits that during enquiry local witnesses have stated that no such occurrence as stated by the petitioner has occurred however on the basis of the petition filed by the petitioner which was received from the court, proceeding under Section 107 Cr.P.C. & 144 Cr.P.C. were initiated against both the parties vide Nawada Town Police Station Non -F.I.R. No. 94 of 2022 dated 03.04.2022 and Non -F.I.R. No. 95 of 2022 dated 03-04-2022 respectively.

5. Learned counsel for the petitioner in reply submits



that in similar circumstances a Co-ordinate Bench of this Court in Cr.WJC No. 490 of 2014 vide order dated 03/02/2015 allowed the petitioner to file a representation before the District Level Security Committee for police protection. Accordingly, he submits that petitioner may be given liberty to approach the District Level Security Committee in this regard.

6. Having heard learned counsel for the parties and taking into consideration the nature of prayer made by the petitioner, this writ application is disposed of permitting the petitioner to file a detailed representation before the District Level Security Committee for police protection and other assistance and if such an application / representation is filed, the District Level Security Committee shall be obliged to dispose the same in accordance with law within a reasonable period of time.

(Anil Kumar Sinha, J)

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