

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.694 of 2021

Arising Out of PS. Case No.-50 Year-2018 Thana- VIDYAPATINAGAR District- Samastipur

VIJAYWANT KUMAR CHOUDHARY @ VIJAY KUMAR CHOUDHARY
S/O- Late Yasbant Kumar Choudhary Resident of Village - Keota Gadh,
Mohalla - Ramashray Nagar, Ward no. 10, P.O. and P.S. - Dalsinghsarai,
District - Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE BIHAR, PATNA
2. The Superintendent of Police, District - Samastipur.
3. The Sub- Divisional Police officer, Dalsinghsarai, District - Samastipur.
4. The S.H.O. Vidhayapati Nagar Police station, District - Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Chaudhary, Sr. Adv. Mr. Ranjit Kumar
For the Respondent/s	:	Mr. N.H. Khan, SC -1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 08-09-2023 1. Heard Mr. Ashok Chaudhary, learned senior counsel for the petitioner and Mr. Md. N. H. Khan, learned counsel appearing for the State.

2. The present writ application has been filed for a direction to the Police authorities to hold proper investigation and file the Final Form in connection with Vidyapati P.S. Case No. 50 of 2018, which has been lodged by the petitioner against the accused persons.

3. Learned counsel for the petitioner submits that the petitioner is seventy six year old weak person. He owns a landed



property situated in Dalsinghsarai having plot nos. 2801, 2802, 2803, 2804, 2805, 27084, 2799 & 3455 situated at village:- Bajitpur, P.S. Bidyapatti Nagar in the district of Samastipur having an area of 11 Acres. He further submits that the subject land was the subject matter of the ceiling proceeding in Land Ceiling Case No. 40 of 1973-74, however, ceiling proceeding has not yet been concluded and final notification under Section 15 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1951 has not been issued. Taking advantage of age and weak disposition of the petitioner the accused persons in order to grab the land in question has prepared a forged and fabricated sale deed in 2019 i.e. after lodging of the F.I.R. and claimed that the land in question has been transferred in their favour by other family members of the petitioner.

4. Learned counsel next submits that the aforesaid sale deed allegedly executed in favour of the accused persons was challenged by the petitioner in the ceiling proceeding and learned Additional Collector, Samastipur has declared the sale deed as null and void by order dated 19-07-2021 because the same has been executed during pendency of the ceiling proceedings. However, during the course of investigation three



supervision notes have been submitted by the superior authorities, who have found the case true against the accused person Arun Kumar Singh. He further submits that Arun Kumar Singh is a land grabber and a man with criminal antecedent.

5. Learned counsel for the State submits that investigation of the case is almost complete and Final Form / Charge Sheet shall be filed as early as possible preferably within two months.

6. After having heard learned counsel for the parties, taking into consideration the nature of prayer made in the writ application and the submission made by learned counsel for the State, the present writ application is disposed of with a direction to the Police authorities to take steps for filing of the Final Form / Charge Sheet as early as possible preferably within a period of two months from the date of receipt / production of a copy of this order.

(Anil Kumar Sinha, J)

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