

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.722 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- BIRAUL District- Darbhanga

Lalit Kumar Mandal Son of Ramjiwan Mandal Resident of Village - Dath,
P.s.- Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector General of police, Renge Darbhanga.
4. The Senior Superintendent of Police, Darbhanga.
5. The Deputy Superintendent of Police, Darbhanga.
6. The Sub Divisional Police Officer, Biraul, Darbhanga.
7. The S.H.O., P.S. Biraul, Darbhanga.
8. Human Right Commission through its Secretary, Bihar, Patna.
9. Ramchandra Prasad, Assistant Sub Inspector of Police, P.S. Biraul (The Investigating officer), Darbhanga,
10. Narayan Mallick Son of Late Chalittar Mallick Resident of Village - Neori Tol Dath, P.s.- Biraul , Distt.- Darbhanga.
11. Sudama Devi W/o Ram Awtar Sahu Resident of Village - Dath (Uttarwari Tol), P.S.- Alinagar, Distt.- Darbhanga.
12. Kusheshwar Baitha Son of Ghuran Baitha Resident of Village - Dath (Puwari Tola), P.s.- Ghanshyampur, Distt.- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.
For the Respondent/s : Mr. Saroj Kumar Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 18-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the present Cr. Writ Petition seeking direction to the respondents for proper investigation in connection with Biraul P.S. Case No. 31 of 2022 lodged under Sections 504, 429, 506/34 of the I.P.C. read with Section 3(i)(s)



of SC/ST (Prevention of Atrocities) Act, 1989 dated 01.02.2022.

Learned counsel for the petitioner submits that petitioner is the subject of atrocities at the hands of SC/ST community, in this regard he has filed several representations as well as several audio and video recordings with him showing that in which manner they are disturbing the petitioner and he need protection to his life and property. He further submits that petitioner is living in a democratic country and Constitution of India protects him as well as all the person including the respondents.

After argument counsel for the petitioner seeks permission to file representation before the Superintendent of Police, Darbhanga for proper investigation as well as before the Chief Judicial Magistrate/ cognizance taking court for SC/ST in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 passed in ***Cr.W.J.C. No. 153 of 2017*** with analogous cases.

Permission granted.

In this view of the matter, petitioner is directed to file representation before the Superintendent of Police, Darbhanga as well as before the Chief Judicial Magistrate/ cognizance taking court for SC/ST in the light of order passed in the case of



Surendra Singh Vs. State of Bihar and others in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases within four weeks from the date of passing of this order.

The Superintendent of Police, Darbhanga is directed to consider the representation of petitioner and also to consider the evidence i.e. audio and video recordings which the petitioner is providing with his representation to look into the matter and do all the needful, if proper charge sheet has not been filed then Superintendent of Police, Darbhanga is at liberty to interfere in the same even if charge sheet has been submitted under Section 173(8) of Cr.P.C.

The concerned cognizance taking court under SC/ST Act is also directed to look into the matter upon the representation of petitioner in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases

With the aforesaid direction, the present Cr. Writ Petition is hereby disposed off.

(Dr. Anshuman, J.)

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