

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.850 of 2022**

Arising Out of PS. Case No.-434 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Rahul Kumar @ Jhandu S/O Late Arjun Saw Resident of Village- Kabaiya  
Road, Ward No.05, P.S.- Kabaiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Cum Home Commissioner, Home Department Government of Bihar
2. The Superintendent of Police, Lakshisarai.
3. The Officer-in-Charge, Lakhisarai
4. Vimla Devi W/o Gautam Prasad Saw Resident of Purani Bazar in front of Rani Sati, P.S.- Lakhisarai, District- Lakhisarai.

... .. Respondent/s

**Appearance :**

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|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Mani Bhushan Kumar, Adv.  |
| For the Respondent/s | : | Mr. Prabhat Kumar Verma, Adv. |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL JUDGMENT**

**Date : 18-04-2023**

Learned counsel for the petitioner and learned  
counsel for the State present.

The present criminal writ application has been filed  
seeking a direction to the respondents not to implicate the  
petitioner in false cases instituted by Vimla Devi with the  
connivance of anti-social elements and further prayer is to give  
protection to the petitioner from anti-social elements which is  
connived with the local police and to issue appropriate  
writ/writs, direction/directions.

Counsel for the petitioner submits that petitioner is

a contractor, doing a business of land and building dealings *i.e.* real estate business and many anti-social elements of locality in connivance with private respondent, Vimla Devi is disturbing the business of the petitioner and giving threatening to implicate petitioner in false criminal cases in connivance with the police. Counsel submits that presently, respondent no. 4 has filed one criminal case Lakhisarai P.S. Case No. 434 of 2020 lodged under Sections 302, 120(B)/ 34 of the I.P.C. read with Section 27 of the Arms Act against the petitioner, which is a false case in which petitioner is on bail.

Counsel for the State submits that the petitioner is seeking relief that no case could be filed against him on the instance of Vimla Devi and others, which is not permissible in law. If such type of relief shall be granted, the entire criminal justice system shall stop.

Counsel for the State submits that everyone is free to file criminal case. He submits that basically filing of the criminal case is inherent power of a person when an offence occurred.

In the present background, this Court is of the view that such type of relief cannot be granted to petitioner by which the process of judicial system shall stop.

In this view of the matter, the present criminal writ application stands dismissed.

sadique/-

(Dr. Anshuman, J.)

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