

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1249 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- KHAIRA District- Jamui

Manoj Singh, Son of Late Potan Singh, R/O Village- Baghakhand, P.S-
Khaira, District- Jamui, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Police, Jamui
4. The Officer-in-Charge, Khaira, Jamui
5. Raju Bhalotiya, Son of Late Ram Pratap Bhalotiya, Resident of Old Market
Jamui, P.S and District- Jamui.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. M. Nasrul Huda Khan, SC-1
		Mr. Md. Irshad, AC to SC-1
For the Resp No. 5	:	Mr. Rajesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for respondent no. 5.

2. The petitioner in the present case is the informant
of Khaira P.S. Case No. 200 of 2023 registered on 05.05.2023
under various Sections of the Indian Penal Code and under
Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that even
though the FIR has been lodged about seven months ago, till
date the investigation of the case has not been completed and
the pace of investigation is very slow as a result whereof the
private respondent has been able to raise a boundary wall on the



disputed land.

4. A counter affidavit has been filed on behalf of the State which has been sworn by Dy.S.P., Headquarter, Jamui. In paragraph '10' of the counter affidavit, it is stated that during investigation and supervision, the case has been found true against the accused (i) Raju Bhalotia (ii) Chandar Singh and (iii) Manoj Singh under Sections 341, 323, 504, 307, 34 of the Indian Penal Code. Further investigation is being carried out to ascertain the involvement of the accused Kamlesh Singh @ Rawal Singh. It is stated that once complete material is there, appropriate report under Section 173 Cr.P.C. would be submitted before the competent court.

5. Learned counsel for the respondent no. 5 submits that it is a case of land dispute between the parties.

6. Having regard to the facts and circumstances of the case, in view of the statements present in the counter affidavit filed by Dy.S.P., Headquarter, Jamui, this Court would direct the Dy.S.P. to ensure completion of investigation on all points within a period of three months from the date of receipt/production of a copy of this order and he would file the police report under Section 173 Cr.P.C. in the court of competent jurisdiction immediately thereafter.



7. The allegation made by the petitioner is that the land of the petitioner has been forcefully occupied by the private respondent and by use of force, the petitioner was made to leave his land. He had informed the occurrence to Superintendent of Police, Jamui and also had gone to the police station but then he was scolded there and was asked to go back.

8. So far as the aforesaid allegation is concerned, the Superintendent of Police, Jamui shall conduct an inquiry as to whether the petitioner was ousted from the land by use of brute force and then the complaint in this regard made to the police was not immediately entertained and the FIR was lodged only after the order of the learned C.J.M. under Section 156(3) Cr.P.C. If this aspect of the matter is found true, appropriate action in administrative side would be required to be taken against the erring officials within a reasonable time.

9. For the present, this Court has not formed any opinion and it is left for the Superintendent of Police, Jamui to do the investigation on this issue independently.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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