

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.618 of 2021

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

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Ram Chandra Prasad Singh Son Of Late Ram Brikcha Singh Resident Of
Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department,
Government Of Bihar, Patna, Bihar.
2. The Director General Of Police, Bihar, Patna, Bihar.
3. The Inspector General Of Police, Bihar, Patna, Bihar.
4. The Senior Superintendent Of Police, Patna, Bihar.
5. The Dy S.P. Sachivalaya Police Station, Patna, Bihar.
6. The S.H.O. Shastri Nagar, District - Patna, Bihar.
7. Vijay Kumar Singh Son Of Late Rambrikcha Singh Resident Of Durga Gali,
Sheikhpura, Police Station - Shastri Nagar, District - Patna.
8. Mickey Son Of Vijay Kr. Singh Resident Of Durga Gali, Sheikhpura, Police
Station - Shastri Nagar, District - Patna.
9. Rishu Son Of Krishna Chandra Singh Resident Of Durga Gali, Sheikhpura,
Police Station - Shastri Nagar, District - Patna.
10. Bhupendra Singh Son Of Late Bhagwan Singh Resident Of Durga Gali,
Sheikhpura, Police Station - Shastri Nagar, District - Patna.
11. Ravi Shekhar Chaudhary Son Of Late Daroga Chaudhary Resident Of Durga
Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
12. Shashi Kant Ajay Son Of Late Laxman Singh Resident Of Durga Gali,
Sheikhpura, Police Station - Shastri Nagar, District - Patna.
13. Mamta Singh Wife Of Vijay Kr. Singh Resident Of Durga Gali, Sheikhpura,
Police Station - Shastri Nagar, District - Patna.
14. Sangita Singh D/O Ram Brikcha Singh Resident Of Durga Gali, Sheikhpura,
Police Station - Shastri Nagar, District - Patna.
15. Sarita Singh D/O Ram Brikcha Singh Resident Of Durga Gali, Sheikhpura,
Police Station - Shastri Nagar, District - Patna.
16. Guddu Son Of Not Known Resident Of Durga Gali, Sheikhpura, Police
Station - Shastri Nagar, District - Patna.
17. Driver Of Vijay Kr. Singh Son Of Not Known Resident Of Durga Gali,
Sheikhpura, Police Station - Shastri Nagar, District - Patna.

... .. Respondent/s

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with

Criminal Writ Jurisdiction Case No. 66 of 2022

Arising Out of PS. Case No.-553 Year-2020 Thana- SHASTRINAGAR District-
Patna

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Ram Chandra Prasad Singh S/O Late Ram Brikcha Singh Resident Of Durga
Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Deptt. , Govt. of Bihar, Patna, Bihar.
2. The Director General of Police, Bihar, Patna, Bihar.
3. The Inspector General of Police, Bihar, Patna, Bihar.
4. The Senior Superintendent of Police, Patna, Bihar.
5. The Dy. S.P. Sachivalaya Police Station, Patna, Bihar.
6. The S.H.O. Shastri Nagar, District - Patna, Bihar.
7. Vijay Kumar Singh Son of Latew Rambrikcha Singh Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
8. Mickey Son of Vijary Kr. Singh Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
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10. Bhupendra Singh Son of Late Bhagwan Singh Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
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12. Shashi Kant Ajay Son of Late Laxman Singh Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
13. Mamta Singh Wife of Vijay Kr. Singh Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
14. Sangita Singh D/o Ram Brikcha Singh Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
15. Sarita Singh D/o Ram Brikcha Singh Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
16. Guddu Son of not known Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.
17. Driver of Vijay Kr. Singh Son of not known Resident of Durga Gali, Sheikhpura, Police Station - Shastri Nagar, District - Patna.

... .. Respondent/s

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Appearance :

(In Criminal Writ Jurisdiction Case No. 618 of 2021)

For the Petitioner/s	:	Mr. Md. Harun Quareshi
For the Private Respondent/s	:	Mr. Om Prakash Kumar, Adv.
For the Respondent/s	:	Mr. Saroj Sharma, AC to AAG -3

(In Criminal Writ Jurisdiction Case No. 66 of 2022)

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP -5

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-03-2023 Heard learned counsel for the petitioner, learned counsel for the private respondent and learned counsel for the State.

The first writ petition has been filed for directing the respondent police authority to make the enquiry and institute the case against the guilty persons with the following reliefs:

I. For issuance of writ in the nature of mandamus or any other appropriate writ, order and direction for commanding the respondents to make the enquiry and institute the case against the guilty persons and gave the protection to the petitioner and his family members and his property.

II. For issuance of writ in the nature of mandamus or any other appropriate writ, order and direction commanding the respondents to make the enquiry in connection with Shastri Nagar, P.S. Case No. 553 of 2020 and file the charge-sheet against the accused persons.

III. For issuance of writ in the nature of mandamus or any other appropriate writ, order and direction commanding the respondent no. 1 to 5 to protect the petitioner and his family

members from private respondent nos. 06 to 14, who are every time humiliating and assaulting to the petitioner and his family members.

IV. For any other relief/reliefs may be granted in favour of the petitioner as Your Lordships may deem fit and proper.

Counsel for the petitioner submits that admittedly the grievances of the petitioner is against private respondents, who are the family members of the petitioner (maternal uncle, brother, sister, nephew and nieces of the petitioner). He submits that against the act committed by the private respondents, he has filed F.I.R. on which no case was instituted by the police. He further submits that in the another case police has submitted the final form. Counsel for the petitioner submits that petitioner needs protection at the hand of the private respondent and therefore, he demanded the protection by the police by virtue of filing the second Criminal Writ Jurisdiction Case No. 66 of 2022. Counsel further submits that against the submission of final form, the petitioner has remedy to file in protest petition before the C.J.M and therefore, his writ petition is not maintainable.

Counsel for the private respondents submits that it is

basically a family dispute. The petitioner has sat over the entire property and want to manage the entire property according to his own wish. He had sold certain part of the property without the consent of the other parties also, which is being opposed by private respondents i.e. family members. And it can be settled only and only before a Civil Forum. Protection to the petitioner is also not required in this case, as it is a family matter.

In this view of the matter, I am not inclined to grant any relief to the petitioner in both the writ petitions. Therefore, both the Criminal Writ Petitions are hereby dismissed. With the liberty to seeks relief before the appropriate Forum that is by way of filing protest petition by the Court below.

(Dr. Anshuman, J.)

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