

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6613 of 2023

Amrendra Kumar Sinha Son of Arjun Prasad R/o Mohalla- Narsaligang, Bihar Sharif, District- Nalanda, Pin- 803101, Permanent address Village and Post-Peshour, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi, Delhi-100001
2. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna-800015
3. The Secretary, Ministry of Home Affairs, Govt. of Bihar, Old Secretariat, Patna-800015
4. The Director General of Police, Govt. of Bihar, Old Secretariat, Patna-800015
5. The Inspector General Patna Division, Patna
6. The Deputy Inspector General, Patna Division, Patna
7. The District Magistrate, District Collectariate Office, Bihar Sharif, District- Nalanda, Pin- 803101
8. The Superintendent of Police S.P. Office, Bihar Sharif, District- Nalanda, Pin- 803101
9. The Sub Divisional Police Officer (S.D.P.O.), Sub-Division-Bihar Sharif, District- Nalanda, Pin- 803101
10. The Deputy Superintendent of Police, Sub-Division-Bihar Sharif, District- Nalanda, Pin- 803101
11. The Block Development Officer, Block- Bihar Sharif, District- Nalanda, Pin- 803101
12. The Circle Officer, Anchal-Bihar Sharif, District- Nalanda, Pin- 803101
13. The Thana in charge cum S.H.O., Police Station- Lehari, District- Nalanda, Pin- 803101

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Advocate
For the Respondent/s : Mr. Tarkeshwar Nath Thakur, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-02-2024



Communal riots erupted; as is wont to happen, in the flick of a moment, during a religious procession held on 31.03.2023. The petitioner who claims to be public-spirited, seeks the constitution of an enquiry committee under the guidance and control of the National Investigation Agency (for brevity, N.I.A.) and the Central Bureau of Investigation (for brevity, C.B.I.) to look into the various aspects of the violence that was perpetrated in Biharsarif within Nalanda district, on that day. It has also been prayed that the respondent-State should be asked to take immediate steps for collection of detailed information regarding damage of property, loss of life, disappearance of people and ensure compensation to the aggrieved families of those who died and were injured, as also for the property damage occasioned. The petitioner has also claimed that the respondent authorities are sitting over the matter, not lodging an F.I.R against the real culprits and miscreants; who are alleged to be international terrorists, which it is also asserted is violative of Article 21 of the Constitution of India.

2. We see that the petitioner himself has spoken about a number of F.I.Rs registered and has produced the same along with the writ petition. It is alleged without any



substantiation that Rs. 100 crore of property is damaged, and there is absolute inaction on the part of the respondent-State.

3. A detailed counter affidavit has been placed on record by the Dy.SP (HQ) Nalanda. It is seen from the affidavit that a religious procession was taken out on 31.03.2023 and when it reached the location under the Laheri Police Station, there were pelting of stones and bricks by anti-social elements. The procession was disrupted, and religious slogans were raised, leading to riots and an uncontrolled rampage in the locality. The violence also spread to other areas of Biharsarif. The administration had deputed Magistrates and police force at the sensitive spots, and the procession was also being escorted by the police. Despite the close surveillance and safeguards the sudden eruption of violence led to unfortunate disruption of law and order.

4. The administration immediately took steps to control the situation, and a prohibitory order under Section 144 of the Cr.P.C was imposed. A report was called for from the S.D.P.O., Sadar, Biharsarif and F.I.Rs were lodged in the various police stations, which are evident from the counter affidavit and also Annexures-A and B.

5. A Special Investigation Team (for brevity, SIT)



was constituted by order dated 03.04.2023 and the Dy.SP(HQ) was authorized to lead the SIT for collecting evidence from the various places of occurrence. The SIT is not only investigating the cases related to the first occurrence but also with respect to the connected occurrences that happened nearby. The investigation is carried out on a priority basis with the help of CCTV footage and other electronic and technical evidence; monitored by senior police officers.

6. It is also submitted that one person died in the incident, whose family was compensated with Rs. 5 lakhs. Sixteen injured persons were provided compensation amount of Rs. 20,000/- each by the District Administration, and ten persons whose vehicles and business premises were damaged were compensated with Rs. 1 lakh each. Another forty-one persons, who suffered damages were paid Rs. 10,000/- each, and the same number of persons were disbursed with an amount of Rs. 30,000/- each; whose houses were damaged.

7. It is submitted that proper prompt and strict action had been taken by the administration in controlling the situation, and later on, an investigation was conducted fairly and scientifically. The affected persons and their families have also been compensated soon after the occurrence.



8. A rejoinder has been filed by the petitioner again alleging that it was a well-planned international conspiracy by terrorist groups to paint a bad picture of the State of Bihar; which allegation is made again, without any substantiation.

9. The writ petition and the rejoinder speak of a communal violence and the alleged partisan approach of the police against one community, without naming the community. We are of the opinion that such an unsubstantiated allegation would only further stoke the fire of communal disharmony. The administration had put in sufficient safeguards to carry on a peaceful procession, but it turned violent only because of the solitary action of miscreants, resulting in widespread violence which was soon controlled by the administration.

10. We have already noticed that F.I.Rs were registered and an investigation is going on, compensation has already been granted to persons and families who suffered loss of property and suffered injuries in the incident. One loss of life has also been suitably compensated.

11. We find no reason to constitute a committee, especially in the manner in which the petitioner has prayed for. The N.I.A. and C.B.I. are two separate agencies, and the



petitioner’s request is to form a joint committee for enquiry; which would serve no purpose and would not be proper in the scheme of things and established legal practices of a criminal investigation. In fact, the need of the hour is a proper investigation, and when the State police is carrying on the same, unless the investigation is found to be not proceeding in the proper manner, there cannot be any other agency brought into the State to carry out such an investigation.

12. We also see that, with respect to the incident that occurred on 31.03.2023, the petitioner has approached this Court with the above writ petition on 28.04.2023, within one month; with unsubstantiated allegations and accusation of terrorist activities without any proof. We find the writ petition to be more publicity induced than in public interest.

13. We dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.02.2024.
Transmission Date	

