

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.909 of 2022

Arising Out of PS. Case No.-400 Year-2022 Thana- AGAMKUAN District- Patna

Kailash Bihari Choudhary, Son of Late Darshu Choudhary @ Harshu Choudhary, Resident of Village- 1H-44, Bahadurpur Housing Colony , Kanti Factory Road, Mahatma Gandhi Nagar Chowk, Patna-800026, P.S.- Agamkuan,

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Deptt. of Home, Bihar, Patna.
2. The Director General of Police, Bihar , Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Sr. Superintendent of Police, Patna.
6. The City S.P. (East), Patna.
7. The Sub Divisional Police Officer, Patna City,District- Patna.
8. The S.H.O., Agamkuan P.S., Distt.- Patna.
9. Sri Samir Pushp, Son of Rajendra Prasad Upadhyay, Resident of Village- Bhagwat Mansion, Bhagwat Nagar, Naya Tola, Kumhrar, P.S.- Agamkuan, Patna – 800026.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sidhendra Narayan Singh, Advocate
For the State	:	Md. Irshad, AC to SC-1
For the Resp No. 9	:	Mr. Amit Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-01-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for respondent no. 9.

2. By filing this writ application, the petitioner is seeking a direction to the respondent State to protect his life, liberty and property which are said to be in danger at the instance of respondent no. 9. A further prayer has been made to oust respondent no. 9 from the premises in question. It is alleged

that respondent no. 9 has trespassed in two shops and other premises without having any authority.

3. After hearing, learned counsel for the parties, it transpires that the petitioner has lodged Agamkuan P.S. Case No. 400 of 2022 registered under various provisions of the Indian Penal Code against respondent no. 9 and 3-4 unknown persons who are allegedly called associates of respondent no. 9.

4. From the narration of facts present on the record, it appears that the facts of the case are disputed and the petitioner as well as respondent no. 9 are keenly contesting the dispute over possession of respondent no. 9 in respect of the two shops. While it is claimed by the petitioner that respondent no. 9 has forcibly possessed the shops and in this connection, the agreement was only with respect to one shop but respondent no. 9 has forcibly entered into the second shop.

5. The case of respondent no. 9 is that he is in possession of the shop premises by virtue of an agreement and then he has advanced certain money to the son of the petitioner for the second shop.

6. In the case registered vide Agamkuan P.S. Case No. 400 of 2022, police has already completed investigation and a chargesheet has been filed against respondent no. 9 and others

for the offence alleged under Section 448 IPC and other allied Sections of the IPC.

7. In view of the completion of investigation in the case lodged by the petitioner, no further direction need be issued by this Court. So far as other aspects of the matter are concerned, since those are disputed question of facts, no determination/adjudication may be done by this Court on those issues. The remedy of the petitioner lies elsewhere and he is at liberty to pursue his remedy.

8. This Court has been informed that the petitioner is living alone in the residential part of the premises. He is a retired Government servant and is in advanced stage of his age. He apprehends threat to this life. In case any such threat is perceived by the petitioner and the same is brought to the notice of the concerned police station, the same will be examined and verified by the SHO of the concerned police station and in case such apprehension is found to be correct, adequate protection shall be provided to the petitioner in accordance with law.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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