

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1580 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- SURYAPURA District- Rohtas

SHYAM BIHARI SINGH S/o- RAMASHISH SINGH R/o- 3/12, Hostal
Kanaudia Renukoot, ABCIL Belhatthi Sonbhadra U.P P/A- Village-
Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna Bihar
2. The District Magistrate, Rohtas Bihar
3. The Superintendent of Police, Rohtas at Sasaram Bihar
4. The Sub Divisional Officer, Bikramganj Rohtas Bihar
5. The Circle Officer, Bikramganj Rohtas Bihar
6. The SHO, Suryapura Bihar
7. Nitya Nandra Tiwari son of Dharamdev Tiwari Village- Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas
8. Ritesh Tiwari son of Basudev Tiwari Village- Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas
9. Vasudev Tiwari son of Nathuni Tiwari Village- Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas
10. Dharamdev Tiwari son of Nathuni Tiwari Village- Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas
11. Ajay Tiwari son of Dharamdev Tiwari Village- Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas
12. Mithlesh Tiwari son of Nathuni tiwari Village- Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas
13. Srikant Tiwari son of Medha Tiwari Village- Ammapokhar Po- Nonhar Ps- Suryapura Dist- Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv.
For the Respondent/s : Mr. Shailesh Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 01-10-2024 Heard both counsels.

2. This petition has been preferred by the petitioner



seeking following reliefs:-

“ For issuance of a writ in the nature of a writ of mandamus or any other appropriate writ/order/ direction to the respondent authorities to make proper investigation in Suryapura Police Station case number 145/2023 and provide police protection to complete second floor of petitioner’s house which has been halted after Metal Rod Binding (Centering work) of Roof and to take immediate steps to protect the life and property of the petitioner and his family members at the hands of the private respondents.”

3. According to the learned counsel for the petitioner, the petitioner is living in the house in question with his family, the house belongs to the petitioner. On 08.07.2023, the private respondent nos. 7 to 13 came there and all of them destroyed the wall of the house of the petitioner. The petitioner made a complaint before the concerned police station, on the basis of said offence, FIR has been registered under Sections 341, 385, 506, 34 of the I.P.C. against the accused persons. According to learned counsel, the concerned police has not investigated the matter properly and still the private respondents are not allowing the petitioner to complete his construction work.

4. Learned counsel for the State referring to the



contents of the counter affidavit submits that in the matter after completion of investigation, chargesheet has been already filed before the learned Trial Court and the matter is pending there. He further submits that for protection of the complainant-petitioner one Chowkidar has also been deputed.

5. Considering the above submission made by both the counsels and further considering the fact that as of now chargesheet has been filed, this petition is being disposed of giving liberty to the petitioner to make an application before the learned Trial Court under Section 439(2) of Cr.P.C. for cancellation of bail of the private respondents, if so advised.

(Arvind Singh Chandel , J)

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