

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.389 of 2021

Arising Out of PS. Case No.-14 Year-2018 Thana- DHIBRA District- Aurangabad

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Dhananjay Prasad Sinha S/O Late Narmadeshwar Prasad Sinha R/o Village-
Eroura, P.S - Deo, District-Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna.
2. The Principal Secretary, Deptt. Of Home Affairs, Govt. Of Bihar, Patna.
3. The Principal Secretary, Deptt. Of General Administration, Govt. Of Bihar, Patna
4. The Director General Of Police, Patna, Bihar
5. The District Magistrate, Aurangabad, Bihar
6. The Deputy Inspector General Of Police, Magadh Range, Gaya, Bihar
7. The Superintendent Of Police, Aurangabad, Bihar
8. The Officer-in-Charge, Police Station – Dhibra, District - Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate
For the State	:	Md. Fazle Karim, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

18 13-11-2025 The present petition has been preferred by the petitioner seeking direction to the Respondents – State instrumentalities to take appropriate steps and initiate appropriate proceedings for providing safety and security towards protection of life, liberty and property of the petitioner and his family members and his landed property situated in village – Bara, Police Station, Dhibra, District – Aurangabad, Bihar. He is also seeking further relief by way of initiating



appropriate inquiry, investigation and proceeding in view of representation of the petitioner to police authorities.

2. In view of the factual background, the petitioner possesses certain parcels of land measuring 2.65 acres which he entrusted to Dhyan Foundation NGO for operating a *Gaushala* for care and maintenance of cattle and the said NGO was maintaining a *Gaushala* on that land. However, the *Gaushala* was ransacked, burnt and destroyed by anti-social elements in the name of 'Naxalite Attack', for which an FIR bearing Dhibra P.S. Case No. 14 of 2018, for offence punishable under Sections 147, 148, 149, 341, 323, 307, 435, 427, 124A, 429, 379 and 506 of the Indian Penal Code was instituted.

3. It is further alleged by the petitioner that the some anti-social elements in the name of 'Naxalite Movement' are interfering in the peaceful possession of his landed property by way of affixing red flags and destroying the crops of the petitioner. He has also given several representations to the concerned SHO, Superintendent of Police and even Director General of Police. But no action has been taken in pursuance of Naxalite activities in regard to their interference in the peaceful possession of the property of the petitioner.

4. By way of counter affidavit, filed on behalf of



concerned Superintendent of Police, the State has stated that investigation in FIR bearing Dhibra P.S. Case No. 14 of 2018, is being properly conducted and charge-sheet against some accused has also been submitted and further investigation is continuing against some other accused. It is also stated by the State that concerned Superintendent of Police has given direction to the local police to keep vigil in regard to law and order and protection of life and property of the petitioner. However, there is no statement on behalf of the State whether they have lodged any FIR in pursuance of the complaint of the petitioner against so-called 'Naxalite People'.

5. Heard learned counsel for the petitioner and learned AC to SC-1 for the State.

6. Learned counsel for the petitioner admits that investigation is going on in FIR bearing Dhibra P.S. Case No. 14 of 2018 and charge-sheet has been submitted against some accused. However, no FIR has been lodged by the police in regard to complaint of the petitioner against the Naxalite People who committed offence of criminal trespass and mischief on the landed property of the petitioner.

7. Learned counsel for the State submits that in case the petitioner gives fresh specific complaint in regard to



commission of any criminal trespass or mischief on the landed property, belonging to the petitioner, the State will take lawful action as per law, if required, even FIR can be lodged.

8. Learned counsel for the petitioner agrees that he may be given liberty to file a fresh complaint in regard to continuing interference of anti-social people by way of criminal trespass or mischief being committed by any persons.

9. Accordingly, the present petition is disposed of with liberty to the petitioner to file a fresh complaint in regard to any criminal trespass or mischief being committed by any persons and if such report is made by the petitioner to the police, the State authorities will take legal steps as per law, and if situation warrants lodging of FIR, even FIR would be lodged.

(Jitendra Kumar, J)

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