

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.148 of 2022

Arising Out of PS. Case No.-183 Year-2012 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Vibha Devi W/o Surendra Srivastava @ Pintu Resident of Aamgola Mai
Asthan, P.S. - Kazi Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police-Cum- Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur. Bihar
4. The District Magistrate, Muzaffarpur. Bihar
5. The Superintendent of Police, Muzaffarpur. Bihar
6. The Sub Divisional Police officer, Muzaffarpur. Bihar
7. The officer -In- Charge, Kazi Mohamadpur, Police Station, District - Muzaffarpur. Bihar
8. Milan Devi W/o Late Jailal Das Resident of Aamgola Mai Asthan, P.S. - Kazi Mohammadpur, District - Muzaffarpur.
9. Sanjeev Rajak S/o Mahendra Rajak Resident of Village - Chaknuni Shyam Chapra Kathara O.P., District - Vaishali at Present Sanjeev Rajak C/o Amaranth R/o Mohalla - Pankaj Market Road Near Real Gold Ke Samne, P.S. - Town, District - Muzaffarpur.
10. Santosh Kumar S/o Naga Das Resident of Orient Club Aamgola Mai Asthan, P.S. - Kazi Mohammadpur, District - Muzaffarpur.
11. Rani Devi W/o Late Ganesh Das Resident of Village - Oriental Club, Brahma Kumari Lane Kali Asthan, P.S. - Kazi Mohammadpur, District - Muzaffarpur.
12. Deoki Devi W/o late Hiralal Das Resident of Aamgola Mai Asthan, P.S. - Kazi Mohammadpur, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pradhanmurli Manohar Prasad, Adv. Mr. Raju Kumar, Adv. Mr. Kumar Gaurav, Adv. Mr. Abhash, Adv.
For the Respondent/s	:	Mr.M. Nasrul Huda Khan, SC-01

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-09-2025

The petitioner has approached this Court for grant of



the following reliefs:-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of Certiorari for quashing the Charge sheet No. 443/ 20 in connection with Kazi Mohamadpur P.S. Case No. 183/ 2012 for the offences punishable under sections 341, 323, 354, 504, 506/34 of the Indian penal code submitted against the petitioner and others lodged by the respondent No. 8 pending in the court of learned A.C.J.M. I”, Muzaffarpur.

(ii) To direct the State respondents to protect life, liberty and property of the petitioner and her family members whose life is at stake of the behest of private respondent and others.

(iii) To restrain the State respondents for lodging several F.I.R. against the petitioner and her family members for same and similar cause in the various police station situated in the District of Muzaffarpur taking into the consideration that the private respondent and her family members have lodged previously seven criminal cases under the various sections of I.P.C. against the petitioner and her family members in the different police station situated in the District of Muzaffarpur in which police has submitted Final report against the petitioner and others on account of paucity of evidence.

(iv) To any other relief/s to which the petitioner maybe found entitled in the facts and circumstances of the case.”

02. During argument, it has come to the notice that cognizance under Section 341, 323, 504/34 of the Indian Penal Code read with Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been taken



by the learned Special Judge, SC/ST Act, Muzaffarpur vide order dated 29.11.2019. In the case of *Neeta Singh & Ors. Vs. State of Uttar Pradesh & Ors.* in Special Leave Petition (Crl. A. No. 19334 of 2023) and *Pradnya Pranjal Kulkarni Vs. State Of Maharashtra & Anr* in Special Leave to Appeal (Crl.) No.13424/2025, the Hon'ble Supreme Court has held that a writ under Article 226 of the Constitution of India is not maintainable once cognizance has been taken by the trial court.

03. Faced with the situation, the learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file a fresh petition in appropriate proceeding before appropriate forum.

04. Permission is accorded.

05. Accordingly, the present petition is dismissed as withdrawn with the liberty to the petitioner to have recourse of law in appropriate proceeding before appropriate forum for redressal of his grievance.

(Arun Kumar Jha, J)

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