

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.320 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Karunesh Kumar Son of Late Binay Kumar Singh, resident of Village-
Lakhanchand, P.S. Mokamaghat, Mokama and District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Muzaffarpur.
3. Sub Divisional Magistrate East, Muzaffarpur.
4. Inspector General of Police, Muzaffarpur Region, Muzaffarpur.
5. Deputy Inspector General of Police Tirhut Region, Muzaffarpur.
6. Senior Superintendent of Police, Muzaffarpur.
7. Officer-in- Charge, Ahiyapur P.S. District- Muzaffarpur.
8. Chunnu Thakur, son of Late Kailash Thakur, resident of Mohalla- Gamnipur,
P.S. Kazi Mohhammadpur and District Muzaffarpur.
9. Suresh Roy, son of Newala Roy, resident of Mohalla- Nazirpur, P.S.-
Ahiyapur and District- Muzaffarpur.
10. Anil Kumar Thakur, son of Yogendra Prasad Thakur, resident of Mohalla
Chak Mohammadpur, P.S. Ahiyapur and District Muzaffarpur.
11. Anil Jha, son of Jata Shankar Jha, resident of Mohalla Chak Gazi, P.S.
Ahiyapur and District Muzaffarpur.
12. Madan Choudhary, son of Ram Ballan Choudhary, resident of Mohalla-
Aadarsh Nagar, Lane No. 3, Majhauilya, P.S. Sadar and District
Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Madan Mohan, Advocate Mr. Ritik Shah, Advocate
For the Respondents	:	Mr. Prabhat Kumar Verma AAG-3

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-08-2025 The present Criminal Writ Petition has been preferred

by the Petitioner for issuance of appropriate writ to the

Respondent, State Officials for restraining the Private

Respondent Nos. 8 to 12 from going to the land and also from

doing any construction over the land in dispute which is a



subject matter of the dispute in a Criminal Proceeding under Section 144 Cr.PC before the Executive Magistrate.

2. Heard learned counsel for the Petitioner and learned counsel for the State.

3. In my considered opinion, the present Criminal Writ Petition is completely misconceived. The Petitioner has alternative efficacious remedy to approach Civil Court by way of filing suit for injunction against the Private Respondents and in case of disobedience of any order passed by Executive Magistrate under Section 144 Cr.PC, the Executive Magistrate can take legal step like lodging of FIR under Section 188 IPC against the persons concerned.

4. At this Stage, learned counsel for the Petitioner is seeking permission to withdraw the present petition with liberty to file appropriate Writ Petition or to take any other remedy available to the Petitioner.

5. Accordingly, the present Criminal Writ Petition is dismissed as withdrawn with the aforesaid liberty as sought for by learned counsel for the Petitioner.

(Jitendra Kumar, J.)

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