

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.436 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Manoj Kumar Son Of Late Ambika Prasad Resident Of Mohalla - Pattal Bazar, Maroof Ganj, P.S. - Malsalami, P.O. - Patna City, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. The Senior Superintendent Of Police, Patna Bihar
3. The Officer-In-Charge Pramod Kumar Yadav, Malsalami, P.S. Patna City Patna
4. Ravi Kumar Banka Son Of Late Shyam Sunda Banka Resident Of Mohalla - Jhauganj, Ghat Lane, Patna City, Ward No.66, P.S. - Chowk, P.O. - Patna City, District - Patna
5. Shalekh Banka Son Of Sri Sita Ram Banka Resident Of Mohalla - Jhauganj, Ghat Lane, Patna City, Ward No.66, P.S. - Chowk, P.O. - Patna City, District - Patna
6. Darshan Kashera Son Of Late Sundar Kashera Resident Of Mauladanka Kucha Ward No. 65, P.S. - Khajekalla, District - Patna
7. Sita Ram Banka Son Of Not Known Resident Of Mohalla - Jhauganj, Ghat Lane, Patna City, Ward No.66, P.S. - Chowk, P.O. - Patna City, District - Patna
8. Ravi Yadav @ Ruddal Yadav Son Of Late Shivji Yadav Resident Of Marukhganj Khudra Gali, Patna City, P.S. - Malsalami, District - Patna
9. Anil Yadav Son Of Late Shivji Yadav Resident Of Marukhganj Khudra Gali, Patna City, P.S. - Malsalami, District - Patna
10. Rajat Yadav Son Of Late Shivji Yadav Resident Of Marukhganj Khudra Gali, Patna City, P.S. - Malsalami, District - Patna
11. Shivu Yadav Son Of Raju Yadav Resident Of Sahdara Nagla, P.S. - Malsalami, Patna City

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar
For the Respondent/s : Mr. AAG.4

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-08-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.



2. This criminal writ application is being filed for direction to the Respondent Nos. 1 to 3 to arrest the Private Respondents against whom the F.I.R was lodged by the Patna City Malsalami Police, who have illegally captured the shop of the petitioner and looted the articles/goods which was kept in the shops and when the petitioner approached the Respondent No. 2 after direction of this Court passed in Cr. WJC No. 193 of 2023 for arresting the private respondents and getting his stolen goods.

3. The disputed between the petitioner, who is the tenant and the landlord cannot be settled by this Court in a writ jurisdiction and the FIR has already been registered on the complaint of the petitioner. A title suit is also pending between the parties.

4. The disputed questions of fact cannot be decided by this Court in writ jurisdiction and accordingly, this writ petition is hereby dismissed.

5. The petitioner is granted liberty to approach the Magistrate concerned for redressal of his grievances by way of filing a petition in accordance with law and in light of the law laid down by Hon'ble Supreme Court in the case of *Sakiri Vasu v. State of U.P.*, (2008) 2 SCC 409.



6. If such a petition is filed before the Magistrate concerned, the same shall be considered and disposed of within 15 days of its filing.

(Sandeep Kumar, J)

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