

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.928 of 2024

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

Subhash Prasad Sinha son of Late Jai Narain Prasad Singh Village- Pokhraise,
P.S. Mufassil, District Samastipur, Bihar P/A- S-402, Udaigiri Apt. Budh
Marg Ps- Kotwali Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Mines and Geology Dept. Govt. of Bihar Bihar
2. The Additional Chief Secretary, Mines and Geology Department, Govt. of Bihar, Patna Bihar
3. The Director General of Police, Sadar Patel Bhawan Govt. of Bihar, Patna Bihar
4. The Dy. Inspector General of Police, Darbhanga Range, Kachari Road Darbhanga Bihar
5. The Collector, Samastipur Collectorate, Samastipur Bihar
6. The Superintendent of Police, Samastipur Collectorate, Samastipur Bihar
7. The Sub Divisional Police Officer, Samastipur Bihar
8. The Officer in Charge, Mufassil Samastipur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate
For the Respondent/s : Mr.S.C.28

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 28-03-2025 1. The grievance of the petitioner in the instant writ petition is that in spite of giving information about the theft of earth and sand from the land owned by the petitioner, neither the police authority nor the Mines and Minerals Department took any action against the private respondents to bring them to face criminal proceedings for the alleged theft and mischief committed by them. It appears from the record that the



petitioner submitted information before the jurisdictional SHO on 1st of November, 2023. As the police did not take any action by registering FIR, the matter was informed to higher authorities of the police. However, as done in almost all cases, the higher authorities of police preferred to sit tight over the matter without taking any legal action.

2. The petitioner also submitted a complaint to the concerned authority in the Mines and Minerals Department. It is expected that the said department, not being a police department, would take action against theft of earth and sand from the land of the petitioner. It is unfortunate to note that the department also did not make any inquiry in order to consider the veracity of the said complaint.

3. A usual objection has been raised on behalf of the State Respondents that the petitioner could have taken recourse of Section 156(3) of the Cr.P.C., which he did not. This consistent submission in the matter of the cases under police inaction appears to this Court that for the fault of the police department for non-registration of FIR, the State/respondents take shelter under 156(3) of the Cr.P.C as if it is a fault of the complainant.

4. It is needless to say that when the complainant took



specific action in accordance with the law praying for lodging of FIR by the Law Enforcement Authority, failure on their part cannot be attributed to the complainant/petitioner by taking recourse to Section 156(3) of the Cr.P.C., raising a question as to why the complainant did not avail of the said procedure when it is available to him. This logic on the part of the State/respondents is like putting blame upon an innocent person for the fault committed by the police authority. At the same time, this Court finds that the Mines and Minerals Department has been sitting tight over the matter, though representation was submitted by the petitioner before the department on 6th of November, 2023.

5. Under such circumstances, the instant writ petition is disposed of, directing the Mines and Minerals Department (Respondent No. 2) to take necessary action by holding preliminary inquiry on the complaint made by the petitioner, and if the complaint is *prima facie* found to be correct, the department shall take necessary action by bringing the wrongdoers/offenders within the fold of criminal proceedings against them.

6. The order passed by this Court shall be complied with by the concerned department (Respondent No. 2) within a



period of three weeks from the date of this order.

(Bibek Chaudhuri, J)

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