

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1667 of 2024

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

Swati Shubham Daughter of Sanjay Prasad Singh R/V- HOUSE NO. 145,
VISWASWARIYA NAGAR, NEAR BIHAR PHARMACY COLLEGE, P.S.-
RUPASPUR, DISTT.- PATNA

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Additional Chief Secretary, Department Of Home, Patna, Bihar
- 3. The Director General Of Police Bihar, Patna
- 4. The Inspector General Of Police, Bihar, Patna Patna,
- 5. The Deputy Inspector General Of Police, Saran Saran,
- 6. The District Magistrate, Chhapra, Saran
- 7. The Superintendent Of Police, Chapara, Saran
- 8. The Deputy Superintendent of Police, Saran
- 9. The Officer-In-Charge Police Station, P.S.- Baniyapur, Chhapra, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv., Mr. Rajesh Kumar Sinha, Adv., Ms. Amisha Sinha, Adv.
For the State	:	Mr. K.P. Gupta, G.P-10, Mr. Anwar Karim, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 05-02-2025 The petitioner is a Principal of a School under the name and style of Ranju Singh Jhalku Rai Senior Secondary, School, Lauwan, Bedauli at Saran in the District of Chapra.

2. Sometimes in the year 2023-2024, there was a disturbance in School premises inasmuch as some persons wanted forcible possession of the School premises on the ground of expiry of lease. The Principal of the said School



lodged an F.I.R. on 27.11.2023 being Baniyapur P.S. Case No. 511 of 2023, under Sections 341/323/379/354(B)/427/504/34 of the I.P.C. The said outsiders forcible closed the entrance door of the School. The matter was informed to the concerned Authorities under the Executive Branch of Administration. The Authorities restored possession of the said School on 2nd January, 2024 in favour of the Principal.

3. Again on 4th January, 2024, some anti social and goons being the accused persons of the first F.I.R. illegally trespassed into the premises of the said School and put a padlock on the entrance gate of the School. Since, then the said School is closed.

4. It is submitted by the learned Senior Counsel on behalf of the petitioner that the said School is affiliated to the Bihar Secondary Examination Board. As the School is closed, the academics of the students are being violated. Not only this, there are valuable documents in respect of the admission of the students, records of their date of birth and other documents. The accused persons are now destroying the said documents.

5. The petitioner tried to lodge a fresh complaint over the subsequent incident on 6th January, 2024, but the Police refused to accept said F.I.R., on the ground that previously one



F.I.R. has been lodged over the similar incident.

6. It is submitted by the learned Senior Counsel that the incident dated 4th January, 2024 is absolutely different incident, where the School premises was forcibly closed. The students and the teachers were wrongfully restrained from entering into the School premises and the documents are being destroyed.

7. It is contended on behalf of the respondents that the dispute between the School Authority and the accused persons of the first F.I.R. was civil in nature, because the School Authority is under obligation to deliver possession of the School premises after expiry of the period of lease.

8. The learned Advocate on behalf of the State frankly submits that the essentially dispute between the parties may be of civil nature, but if the School Authority is not permitted to run an affiliated School and the documents of the students are allegedly destroyed, the purported act on the part of the accused persons of the first F.I.R. is a criminal offence, for which fresh F.I.R. ought to have been lodged by the Police.

9. In view of such submission made by the learned Advocate on behalf of the State/respondents, the instant criminal writ petition is disposed of directing the S.H.O. of the



Baniyapur Police Station to register F.I.R. on the basis of the complaint dated 6th January, 2024.

10. After registering the complaint, the Investigating Officer shall conduct investigation of the case in accordance with law.

11. With the above direction, the instant criminal writ petition is disposed of.

(Bibek Chaudhuri, J)

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