

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1665 of 2024

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

Om Prakash Yadav S/o Late Bhola Yadav R/O Vill - Siswan, P.S. -
Bishambharpur, Dist - Gopalganj

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Gov. of Bihar
2. The District Magistrate, Gopalganj
3. The Superintendent of Police, Gopalganj
4. The Circle Officer, Kuchaikote, Gopalganj
5. The Sub-Divisional Police Officer, Gopalganj
6. The Officer in Charge, Bishambharpur, Police Station, Distt. - Gopalganj
7. Kishore Yadav S/o Late Sheoji Yadav R/o vill - Siswan, P.S. -
Bishambharpur, Distt - Gopalganj
8. Rahul Yadav S/o Bir Bahadur Yadav R/o vill - Siswan, P.S. - Bishambharpur,
Distt - Gopalganj

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Respondent/s : S.C.21

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioner and

learned counsel for the State.

2. By way of this application, the petitioner has

prayed for the following reliefs:-

“i. To issue a writ in the nature of Mandamus directing Respondents to register an F.I.R. against the S.H.O. of Bishambharpur P.S. and as also against Private Respondent No. 7 and 8 thereof for commission of criminal offences by abusing and assaulting the son of Petitioner and as also other family members at the influence of private Respondent No.6 and 7, thereof, for



dispossessing the piece of land of petitioner vide land reference Khata No.191, Khesara No. 1041, Total Area 9 Decimals situated at Mauza - Siswan, P.S.-Bishambharpur, District – Gopalganj.

ii. To hold and declare that Police cannot arrest or torture any ideal citizen until or unless there is an evidence of commission of offence or violation of any law against the such citizen.”

3. It has been submitted by learned counsel for the State that in the present case there are disputed questions of fact and the same cannot be decided in a proceeding under criminal writ jurisdiction.

4. This criminal writ petition is disposed of with liberty to the petitioner to approach the Bihar Human Rights Commission by filing appropriate application with one month from today. If such an application is filed, the same shall be considered and decided by the Commission after condoning the delay, if any, in filing the application considering the fact that the matter was pending before this Court.

(Sandeep Kumar, J)

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