

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13608 of 2025

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Rishi Bhushan, son of Brij Bihari Prasad, resident of Mohalla- Maulaganj,
Madarpur, Police Station-Laheria Sarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Darbhanga.
2. The District Magistrate, Darbhanga.
3. The Sub-Divisional Officer, Sadar, Darbhanga.
4. Raj Suman S/o Brij Bihari Prasad, resident of Mohalla- Maulaganj,
Madarpur, P.S.- Laheria Sarai, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav
For the Respondent/s	:	Mr. Rajesh Kumar, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

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| 2 | 27-08-2025 | 1. Having heard the submissions of the learned counsels for the petitioner as well as the State and on perusal of the writ petition as well as materials on record, especially Annexure-3, being an order, dated 30 th of April, 2025, this Court finds that the crux of the dispute is between two brothers over the joint and ancestral land. While the petitioner is claiming that the land is undivided and both the parties are in possession of the land, the Private Respondent's case is that the property was amicably partitioned between them at the intervention of his father. It also appears from the |
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record that a partition suit being Partition Suit No. 50 of 2019 is pending between the parties.

2. The petitioner has challenged an order, dated 30th of April, 2025, upon a proceeding under Section 107 of the Cr.P.C., presently Section 126 of the BNSS, for security for keeping peace. In the said order, the Sub-Divisional Officer, Darbhanga directed the 1st party to deliver the possession of the property belonging to the Opposite Party / Private Respondent within a period of 90 days from the date of the order.

3. It is needless to say that an order under Section 107 of the Cr.P.C. or Section 126 of the BNSS cannot be challenged in writ jurisdiction. If the petitioner is aggrieved, he can challenge the said order before the competent authority under BNSS. Moreover, the dispute is not between the petitioner and the State.

4. Therefore, this Court finds that the instant writ petition is not maintainable.

5. However, the petitioner is at liberty to take appropriate step, challenging the order, dated



30th of April, 2025.

6. The instant writ petition is, accordingly,
dismissed, however, without costs.

(Bibek Chaudhuri, J)

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