

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.12 of 2025

Arising Out of PS. Case No.-201 Year-2020 Thana- BAGHA District- West Champaran

Mahfooz Alam @ Mahfuz Alam S/O Late Rasool Khan R/O Vill.-
Narainapur, P.S.- Naraipur, Dist.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Home Dept. Govt. of Bihar, Patna Bihar
2. The Director General Of Police, Patna Bihar
3. The Deputy Inspector General of Police, Bettiah, West Champaran Bihar
4. The Superintendent of Police, Bagaha, West Champaran Bihar
5. The Station House Officer, Bagaha (Patkhauli) Police Station Bihar
6. Dharmveer Kumar Bharti, the then Officer-in-Charge of Bagaha, Patkhauli Police Station Bihar
7. Arti Kumari D/o- Shyam Kumar Yadav (Then Lady Constable of Pathkauli PS) Resident of village- Daniyalpur Kurai, P.S. Mohaniya, Distt. - Kaimur
8. Priyanka Kumari D/o- Pawan Kumar Mahto (Then Lady Constable of Pathkauli PS) Resident of village- Damodarpur, P.S.. Bibhutipur, Distt.- Samastipur
9. Pramod Kumar Das S/o- Sukhdev Das (Then Constable of Pathkauli PS.), Resident of village- Hekam, P.S.- Ekma, Distt. - Chhapra
10. Niraj Kumar S/o- Mohan Mandal (Then Constable of Patkhauli P.S) , Resident of village- Tains Bunni, P.S Maheshkhut, Distt.- Khagariya
11. Birendra Kumar Yadav S/o- Late Om Prakash Yadav (Then Chaukidar of Patkhauli P.S.), (Male) Resident of village- Yamunapur, P.S.- Bagaha Patkhauli, Distt.- West Champaran
12. Rakesh Kumar Roy @ Rakesh Raushan S/o- Surajdeo Kumar (Then Constable of Police Line Bagaha) Resident of village- Saaren, P.S.- Makdumpur, Distt.- Jahanabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shahbaj Alam, Advocate
For the Respondent/s : Mr. G.P.4

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-04-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.



2. This writ application has been filed on behalf of the petitioner for the following reliefs:

“(I). For issuance of writ in the nature of mandamus commanding and directing the respondent Police Officials of Bagaha Patkhauri Police Station specially Station House Officer (Respondent No. 5) to institute an FIR against the then Officer In-Charge of Bagaha Patkhauri Police Station (Respondent No. 6) as well as other Police Officials (Respondent No. 7 to 12) who have been illegally involved in making video viral, threatening of life of the Petitioner and his family members with a view to destroy reputation of the Petitioner and also threatening to withdraw the complaint Case No. 314 (C)/2020 filed earlier against the Respondent No. 6 to 12 (the then S.H.O. and other Police Officials) but despite a numerous of applications to the higher Police authorities and no action is taken as yet.

(ii). For issuance of writ in the nature of mandamus for direction to the Respondent Authorities to assure safety of life and property of the Petitioner and his family members who has been



compelled to live in continuous threat of life despite several applications and personal meeting with the respondent authorities.”

3. The Hon’ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P., (2008) 2 SCC 409*** had discouraged the practice of approaching the High Court with a prayer for registration of an F.I.R.

4. The Hon’ble Supreme Court in the case of ***Sakiri Vasu (Supra)*** has held as follows:

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Criminal Procedure Code simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the



concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere”
(Emphasis supplied)

4. The ratio was reiterated by the Hon’ble Supreme Court in the case of ***Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhange*** reported as (2016) 6 SCC 277 and in the case of ***M. Subramaniam vs. S. Janaki*** reported as (2020) 16 SCC 728.

5. If the F.I.R is not registered on account of inaction on the part of police officials or actions not to the satisfaction of the petitioner, then the efficacious alternative remedy is available to the petitioner under section 190, 200 of the Cr.P.C (sections 210, 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023) or other statutory provisions under law.

6. Therefore, the petitioner is given liberty to proceed



to avail alternative remedies under the Cr.P.C./Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 for registration of the
F.I.R.

7. Accordingly, this application is disposed of with the
aforesaid liberty to the petitioner.

(Sandeep Kumar, J)

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