

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.225 of 2023

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Anita Devi Wife Of Sri Shanjay Singh, D/O Late Deo Pujan Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna, At Present Residing At Vill.- Bargaion, P.S.- Azimabad, Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, Sardar Patel Bhawan, Bailey Road, Patna
2. The Inspector General Of Police, Bihar, Patna
3. The Deputy Inspector General Of Police, Patna
4. The Senior Superintendent Of Police, Patna
5. The Officer-In-Charge Of Police Station- Gaurichak, P.S.- Gaurichak, Distt.- Patna
6. Sanjeet Kumar Son Of Ram Pujan Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
7. Shankar Singh Son Of Ram Pujan Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
8. Satendra Singh Son Of Ram Pujan Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
9. Gunjan Devi @ Kajal Wife Of Sanjeet Kumar R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
10. Muni Devi Wife Of Shankar Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
11. Babita Devi Wife Of Satendra Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
12. Rampal Singh Son Of Late Sheobalam Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
13. Gaurav Singh Son Of Rampal Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna
14. Ram Pujan Singh Son Of Late Sheo Balak Singh R/O Vill.- Yamunapur, P.S.- Gaurichak, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Md. Iqbal Asif Niazi, AC to GP-5
For Pvt. Respondents	:	Mr. Kumar Abhimanyu Pratap, Advocate
		Ms. Rushali, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 18-06-2026 The present writ petition has been filed by the petitioner for lodging of FIR against the private respondent Nos. 6 to 14.

2. As per the pleadings of the petitioner and the respondents, it transpires that the petitioner is daughter of late Deo Pujan Singh. It further transpires that the deceased/Deo Pujan Singh had only two daughters – petitioner and Rita Devi, who pre-deceased her father.

3. It also transpires from the pleadings and the bar that the deceased was living with private respondent Nos. 6 to 14 for about 25 years before his death at the age of 90 years and the petitioner-daughter of the deceased was living at her *sasural* in Bhojpur district, whereas the deceased was a resident of Patna district.

4. It also transpires that there are previous litigations between the petitioner and the private respondents and previously even one FIR was lodged against the private respondents by the petitioner in regard to abduction and illegal confinement of her father. However, the same was closed by filing final form finding the case untrue.

5. It further transpires that even civil litigation is



going on between the petitioner and the private respondent Nos. 6 to 14, because as per the claim of private respondents, the deceased was living with them during his life time and transferred some land in their favour and the same is being disputed by the petitioner and hence, one Title Suit has been filed in the competent Civil Court which is still pending consideration.

6. It further transpires from the complaint lodged by the petitioner to the police that after the death of her father, late Deo Pujan Singh, she expressed doubt that the private respondent Nos. 6 to 14 have killed her father for grabbing the property belonging to him. However, as per counter affidavit filed by the police, they have not received any complaint from the petitioner in regard to the alleged murder of the deceased/ Deo Pujan Singh by private respondents.

7. It further transpires that the petitioner, in her complaint, as annexed with the petition, has only expressed suspicion that the private respondents have killed her father to grab his property. However, there is no claim of eye-witness or any incriminating material in support of the complaint.

8. However, as per the counter affidavit filed by the private respondents, it transpires that on the occasion of



previous FIR regarding abduction of the deceased, the deceased/Deo Pujan Singh had given his statement before Judicial Magistrate under Section 164 Cr.PC to the effect that he was living with the private respondents out of his sweet will and they were taking care of him and hence, investigation was closed and final form was submitted exonerating the private respondent Nos. 6 to 14.

9. It further transpires from the counter affidavit filed by private respondent Nos. 6 to 14 that the deceased has died natural death as has been admitted by the brother of the deceased to the police and his final cremation (*Daah Sanskar*) was done in the full knowledge of the co-villagers. He has also filed photographs showing that the dead body of the deceased is being carried to the cremation centre in the public view of the co-villagers and even the photographs of last rites burning the dead body of the petitioner in the presence of co-villagers have been filed on record.

10. As such, it transpires that the deceased/Deo Pujan Singh had died natural death at the mature age of 90 years. However, the petitioner, who is the daughter of the late Deo Pujan Singh, had suspicion, but there is no persuasive material in support of her suspicion. As such, no cognizable offence is



made out in substance as per the complaint lodged by the petitioner to the police. Hence, the present petition is shorn of any merit.

11. It appears that basically there is civil dispute between the petitioner and the private respondents for which they are already before the Civil Court by way of Civil Suit.

12. Moreover, the petitioner is seeking liberty to go her *maike* to enjoy her property belonging to her father by way of living in her house. Here, it is pertinent to point out that the petitioner has all right to enjoy her property, if any, and in case, the private respondents create any obstruction in the peaceful possession/enjoyment of the property belonging to the petitioner on account of being legal heir to the deceased/late Deo Pujan Singh, the petitioner have all right to prefer civil and criminal remedy against the private respondents.

13. Accordingly, the present petition stands dismissed.

(Jitendra Kumar, J.)

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