

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.340 of 2022

=====

Abhinandan Mishra Son of Late Brajnandan Mishra Resident of Village - and
P.O.- Budhaul, P.s.- Nawada, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna. Bihar
2. The Commissioner, Gaya Division , Gaya Bihar
3. The Director General of Police, Bihar Bihar
4. The District Magistrate, Nawada. Bihar
5. The Deputy Collector , Land Reforms, Nawada. Bihar
6. The Superintendent of Police, Nawada. Bihar
7. The Sub Divisional Officer, Nawada. Bihar
8. The Station House Officer, Nawada P.S. Bihar
9. The Circle Officer, Nawada Bihar
10. The Then S.H.O., Narotan , Nawada P.s. Bihar
11. Bikas Kumar Son of Sitaram Singh Resident of Village - Lilo, P.o.- Simaria,
P.s.- Pakri Baranwa, Distt.- Nawada, PIN - 805124
12. Rubi Devi W/o Niranjan Kumar Resident of Village - Dihi, P.O.- Akbarpur,
P.s.- Akbarpur, Distt.- Nawada, PIN - 805126
13. Rudra Devi W/o Shailendra Prasad Resident of Village - Jai Kishun Bigha,
P.O.- Chandi Mau, P.s.- Silao, Distt.- Nawada, At present Village and P.s.-
Hardiganj, Distt.- Nawada. PIN-805109
14. Julie Tiwari @ Amita W/O Hemant Chaubey, D/O Late Pramod Tiwari
Resident of Village and P.O.- Budhaul, P.S.- Nawada, Distt.- Nawada.
15. Khusboo Kumari D/O Late Pramod Tiwari Resident of Village and P.O.-
Budhaul, P.S.- Nawada, Distt.- Nawada.
16. Nishu Kumari D/O Late Pramod Tiwari Resident of Village and P.O.-
Budhaul, P.S.- Nawada, Distt.- Nawada.
17. Ridhi Kumari D/O Late Pramod Tiwari Resident of Village and P.O.-
Budhaul, P.S.- Nawada, Distt.- Nawada.
18. Sidhi Kumari D/O Late Pramod Tiwari Resident of Village and P.O.-
Budhaul, P.S.- Nawada, Distt.- Nawada.
19. Kanjhaiya Tiwari @ Rahul S/O Late Pramod Tiwari Resident of Village and
P.O.- Budhaul, P.S.- Nawada, Distt.- Nawada.
20. Shivam Kumar S/O Late Pramod Tiwari Resident of Village and P.O.-
Budhaul, P.S.- Nawada, Distt.- Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Adv.

For the Respondent/s : Mr.Sheo Shankar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 05-02-2026 Heard learned counsel for the petitioner as well as
learned counsel for the State/respondents.

02. The present writ petition has been filed seeking
the following reliefs:-

*“(I) For directing the respondents 1st set to
initiate criminal proceeding against the
respondents 2nd set, who have violated the
proceeding of Section 188 of the IPC.*

*(II) For giving the compensation to the
petitioner.*

*(III) For punishing the then SHO,
Nawada, Respondent no. 10.*

*(IV) For any other relief/reliefs, which
would be appropriate in law of land.”*

03. Learned counsel for the petitioner submits that
respondent nos. 11-13 forcibly tried to grab the ancestral land of
the petitioner in connivance of respondent no. 10 and Non-FIR
No. 178 of 2021 was referred to the Court of respondent no. 7.
The petitioner approached the respondent no. 7 for initiating a
proceeding under Section 144 of the CrPC and also to stop the
construction work on the disputed land. Thereafter, respondent
no. 7 issued notice to respondent nos. 11-13 to stop the work on
the land in question as proceeding under Section 144 of the
CrPC has been initiated but respondent no. 11-13 kept on
making construction on the ancestral land of the petitioner

despite the notice. Thereafter, respondent no. 7 initiated a proceeding against respondent nos. 11-13 under Section 188 of the IPC and notice was issued to respondent nos. 11-13 but the respondent nos. 11-13 violated the law and constructed the house and grabbed the land of the petitioner. In this background, the petitioner has filed the present writ petition seeking direction to the respondent/authorities to proceed against respondent 2nd set.

04. Learned counsel appearing on behalf of the State/respondents submits that a communication has been received from the office of the Superintendent of Police, Nawada on 29.01.2026 wherein it has been mentioned that the 1st and 2nd party did not appear before the Court of learned SDM, Nawada for 11 consecutive dates and hence, the proceeding was dropped. Learned counsel further submits that the present petition has thus become infructuous after the proceeding ended on 18.10.2022. Learned counsel also submits that it is a case of land dispute between the petitioner and the private respondents and the writ Court should not enter into the disputed question of facts since the petitioner claims the land on the basis of family partition.

05. Having regard to the rival submissions, I am not

inclined to proceed with the present writ petition as the proceeding under Section 188 of the IPC has already been dropped due to disinterest of the parties. Moreover in absence of any unequivocal finding of any Court or competent authority in favour of petitioner, other prayers of the petitioner could not be considered and allowed. Therefore, in the light of the peculiar circumstances of the case, I am of the opinion that the present petition could not be entertained and hence, the same is disposed of.

06. However, the petitioner is at liberty to have the recourse of law in appropriate proceeding before appropriate forum for redressal of the grievances, if so advised.

(Arun Kumar Jha, J)

Anuradha/-

U		T	
---	--	---	--