

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.812 of 2022

Uma Kant Yadav S/o Late Sri Yadav @ Sri Gope Yadav, Resident of Village-
Rustamganj, P.S.- Naubatpur, P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Sardar Patel Bhawan, Bailey Road Patna, Bihar.
2. The Director General of Police, Bihar, Sardar Patel Bhawan, Bailey Road, Patna. Bihar.
3. The Inspector General of Police, Gandhi Maidan, Patna, Bihar.
4. The District Magistrate-cum-Collector, Gandhi Maidan, Patna Bihar.
5. The Senior Superintendent of Police, Patna Bihar.
6. The Deputy Superintendent of Police Phulwari Sharif, Patna Bihar.
7. The Station House Officer, Naubatpur, Patna Bihar.
8. Md. Nasim Uddin, Assistant Sub- Inspector of Police, Naubatpur Police Station, District- Patna. Bihar.
9. O.P. Ram, Assistant Sub-Inspector of Police, Naubatpur Police Station, District- Patna, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Respondent/s : Mr. Md. Fazle Karim, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-01-2026 Heard learned counsel for the parties.

2. Learned counsel for the petitioner submits that petitioner has filed the instant writ petition for commanding the respondent authorities for inquiry and appropriate disciplinary action on the basis of written complaint filed by the petitioner dated 27.05.2022 before the respondent authorities against unlawful conduct of Assistant Sub-Inspectors of Police, Mr. Nasim Uddin and Mr. O.P. Ram, respectively for their personal gain, and the petitioner is ready to produce the video footage in course of inquiry or as directed by the Hon'ble Court, which



was recorded on two dates on 14.05.2022 and 26.05.2022 in presence of all the villagers and/or for grant of appropriate compensation to the petitioner for unlawful detention of petition and his family members, namely Shambhu Prasad, Pinku Kumar Yadav and Arun Kumar for a time of three hours in Police custody in a Civil matter as well as for abusing and assaulting the petitioner in his village contrary to the law after taking illegal gratification from other side which is not permissible in the eye of law and/or any other relief/reliefs admissible under the law in the light of factual profile of this case in the interest of Justice.

3. Learned counsel for the petitioner submits that in a most unlawful manner, respondent nos. 8 and 9 obstructed the petitioner from constructing his house. The police officials are not authorized to stop any construction as the said power is vested with the Executive Magistrate / Sub-Divisional Magistrate in a proceeding under Section 143 of the Cr.P.C. / Section 162 of B.N.S.S., and also with D.C.L.R. under Section 5 of Land Dispute Resolution Act, 2009 or to a competent Civil Court under appropriate proceeding. Nowhere it has been provided for the police to order for stopping the construction or directing a person from not to take any step over his land.

4. Learned counsel further submits that moreover,



taking the petitioner into custody for three hours and abusing and assaulting him using their power and authority, amounts to criminal act, since it is completely illegal on the part of respondent nos. 8 and 9. However, learned counsel further submits that at this stage, petitioner is not inclined to proceed with the present writ or prayer made therein and the present writ petition may be disposed of by issuing direction to Senior Superintendent of Police, Patna to properly investigate the matter and take appropriate action against respondent nos. 8 and 9 on representation being filed on behalf of the petitioner.

5. Since, the petitioner has confined his prayer seeking for taking action on representation of the petitioner, the petitioner is directed to file a representation within a period of 15 days of the present order before the Senior Superintendent of Police, Patna, who will duly acknowledge the receipt of the application and take appropriate action on the basis of said representation within next three months thereafter.

6. Accordingly, the present writ petition stands disposed of.

(Arun Kumar Jha, J)

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