

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1158 of 2021

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1. Surendra Narayan Mishra @ Suresh Mishra S/O Late Mahendra Narain Mishra R/O Village-Salempur, P.S-Ujiarpur, District-Samastipur.
 2. Bijay Kumar Mishra @ Bijay Mishra S/O Surendra Narain Mishra R/O Village-Salempur, P.S-Ujiarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Home, Patna Patna
2. The District Magistrate Samastipur.
3. The Superintendent Of Police, Samastipur.
4. The Sub-Divisional Officer Dalsingsarai, District-Samastipur.
5. The Sub-Divisional Police Officer, Dalsingsarai, District-Samastipur.
6. The Sho Ujiarpur, District Samastipur.
7. Asha Devi W/O Sukun Sada R/O Village-Salempur, P.S-Ujiarpur, District-
8. Pappu Sada S/O Sukan Sada R/O Village-Salempur, P.S-Ujiarpur, District-Samastipur.
9. Minta Devi W/O Pappu Sada R/O Village-Salempur, P.S-Ujiarpur, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Narayan, Advocate
For the State	:	Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

17 09-02-2026 The present criminal writ petition has been preferred by the petitioners praying for security on account of facing constant threat to their life from the private respondents No. 7 to 9 who are not allowing the petitioners to go to their land peacefully, the land being situated at village- Salempur, under Khata No.-72, Khesra Nos.1317, 1318; Khata No. 55, Khesra No.1319. They are praying for security also for the reason that



they want to repair the pillars and fencing of their land which was created after demarcation of boundary by the Circle Officer, Ujiarpur.

2. Heard learned counsel for the petitioners and learned AC to AAG-3 for the State.

3. Learned AC to AAG-3 for the State submits that the petition is not maintainable in view of efficacious alternative remedy being available in Civil and Criminal Law. Petitioners have liberty to file criminal case for criminal trespass on their land and damage to their property. They have also remedy to go to competent Civil Court with Civil Suit for permanent injunction against the private respondents who are creating disturbance in peaceful possession of their property.

4. Learned counsel for the petitioners is submitting that there is no boundary dispute after demarcation of the boundary because boundaries dispute has already been settled by the Circle Officer and the private respondents are creating disturbance to the peaceful possession without any rhyme and reason. They are committing offence of criminal trespass and damage to property of the petitioners.

5. At this stage, learned AC to AAG-3 for the State submits that private respondents are claiming title to the



property on the basis of *Basgit Parcha* because they belong to Scheduled Castes and Scheduled Tribes Community. Hence, there is dispute of title to the land in question.

6. At this stage, learned counsel for the petitioners is seeking permission to withdraw the present criminal writ petition with liberty to take civil and criminal remedy as per law.

7. Permission is granted.

8. Accordingly, the present criminal writ petition is dismissed as withdrawn with liberty to the petitioners to move competent Civil Court for permanent injunction if so advised or they can file even F.I.R. to the police for criminal trespass and damage to their property if he is again so advised. If such measure is taken, the competent authority or Court are required to pass appropriate order as per law without any undue delay.

(Jitendra Kumar, J.)

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