

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.70 of 2026

Vinay Kumar Thakur Son of Sri Ram Nandan Thakur Resident of Village-
B4, 20/B, New Shivnagar, Forthline, P.O. Gadenaria, Kolkata, West Bengal-
700024.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home Affairs, Patna. Patna
2. The Director General of Police, Bihar, Patna. Bihar
3. The Inspector General of Police, Tirhut Range, Muzaffarur. Bihar
4. The Superintendent of Police, Vaishali, Hajipur, Bihar. Bihar
5. The Officer Incharge, Desari Police Station, Vaishali. Bihar
6. Nishant Thakur Son of Late Upendra Thakur Resident of Village and P.S.- Desari, District- Vaishali.
7. Pramod Kumar Son of Baleshwar Thakur. Resident of Village- Deshri, P.O. and P.S.-Deshri, District- Vaishali.
8. Bibha Devi wife of Pramod Thakur. Resident of Village- Deshri, P.O. and P.S.-Deshri, District- Vaishali.
9. Prabhat Thakur @ Chottu Son of Pramod Thakur. Resident of Village- Deshri, P.O. and P.S.-Deshri, District- Vaishali.
10. Kumod Thakur Son of Baleshwar Thakur Resident of Village- Deshri, P.O. and P.S.-Deshri, District- Vaishali.
11. Ahhishekh Thakur Son of Vinod Thakur. Resident of Village- Deshri, P.O. and P.S.-Deshri, District- Vaishali.
12. Chandan Thakur Son of Siyaram Thakur Resident of Village-Hasanpur, Oasti, P.S.- Mahua, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajnish Kumar Dubey, Advocate
For the State	:	Mr. Kamlesh Kishore, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER



2 02-07-2026 The present writ petition has been filed seeking
following relief(s):-

"(A) Issuance of writ in the nature of mandamus commanding the official respondents with a directions to lodge the F.I.R. against the accused persons including Private Respondents who have named in the written application dated 24.09.2023 and others to the Officer Incharge, Desari Police Station, Vaishali, Bihar.

(B) The official respondents further be directed to give full protection of life and property of the petitioner from the Private Respondents who have threatened him for do so.

(C) The respondents further be directed to warn the accused persons not to interfere with the family matters if any and also Private Respondents be directed not to interfere with the husband's wife issue if not raised.

(D) To grant such other relief or reliefs for which the petitioner entitled to."

02. Learned counsel for the petitioner submits that the petitioner submitted written application on 17.08.2023 and another application on 21.09.2023 before the Desari Police Station, Vaishali regarding quarrel and threat extended by the



private respondents 6 to 12 but no action has been taken by the concerned SHO. Copy of the application has also been sent to Superintendent of Police, Vaishali through speed post on 16.12.2023. Thereafter, a number of complaint/representations are given by the petitioner as well as his wife before the Superintendent of Police, Vaishali regarding protection of life and property of the petitioner and his wife and widow mother-in-law vide written applications dated 06.02.2024, 07.08.2024 and 18.10.2024 but no action has been taken.

03. Learned counsel appearing on behalf of the State-respondents seeks time for filing reply/counter affidavit.

04. Perused the record.

05. From perusal of the record, it appears that the petitioner and the private respondents are relatives and the private respondents are in-laws of the petitioner. Though the petitioner has approached the Superintendent of Police, Vaishali for his grievance, it appears no action has been taken. If the petitioner has been able to make out a case for registration of the FIR under cognizable offences, the petitioner ought to have approached the territorial Judicial Magistrate and without exercising his alternative remedy which is equally efficacious, the petitioner has rushed to this Court. It is also pertinent to note



here that the occurrence took place in the year 2023 and the petitioner has approached this Court only in the year 2026, i.e., after much delay. The Hon'ble Supreme Court in the case of ***Sikiri Vasu v. State of U.P., (2008) 2 SCC 409*** has observed that the High Court should discourage the practice of filing a writ petition or petition under Section 482 CrPC simply because FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. The Hon'ble Supreme Court has further observed that the remedy lies under Sections 36 and 154(3) CrPC before the police officers concerned, and if that is of no avail, under Section 156(3) CrPC before the Magistrate, or by filing a criminal complaint under Section 200 CrPC and not by filing a writ petition or a petition under Section 482 CrPC. The Hon'ble Supreme Court has also noted that though 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.

06. Therefore, considering the peculiar facts of the case and availability of alternative and efficacious remedy to the petitioner, I am not inclined to entertain the present writ petition and hence, the same is disposed of reserving liberty to the



petitioner to have recourse of law in appropriate proceeding
before appropriate forum.

(Arun Kumar Jha, J)

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