

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.945 of 2014**

=====

Rajesh Kumar Singh, son of Basu Singh, resident of Village - Rajajan, P.S.  
- Mohiuddin Nagar, Distt. - Samastipur.

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Home Secretary, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Additional Director General of Police, Government of Bihar, Patna.
5. The Inspector General of Police, Darbhanga
6. The Deputy Inspector General of Police, Darbhanga.
7. The District Magistrate, Samastipur.
8. The Superintendent of Police, Samastipur.
9. The Sub Divisional Magistrate Shahpur Pattori, Samastipur.
10. The Deputy Superintendent of Police, Shahpur Pattori, Samastipur.
11. The Station House Officer, Mohiuddin Nagar, Samastipur.

.... .... Respondents

=====

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Singh with Mr. Dilip  
Kumar Ray, Advocates

For the Respondent/s : Mr. Gyan Prakash Ojha, GP 22 with  
Mr. Kanchan Srivastava, AC to GP 22

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR  
DATTA**

**and**

**HONOURABLE JUSTICE SMT. ANJANA MISHRA**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)**

3      20-02-2015                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner has approached this Court for quashing  
the entire proceedings of Crime Control Case No. 25 of 2014  
instituted against him under the provisions of Bihar Crime Control  
Act, 1981 and for consequential relief.

By order dated 21.4.2014 passed in the said proceeding

the petitioner was externed from the date of said order till 31.5.2014 so as to maintain the law and order during the Lok Sabha Election.

It is not in dispute that prior to passing of the impugned order by a notice dated 21.3.2014 the petitioner had been directed to appear before the District Magistrate, Samastipur on 28.3.2014 at 3 P.M. in his court room and if he so desired to tender an explanation in writing regarding the said material allegation showing cause why an order under sub-section (3)(b)(i) of Section 3 of the Bihar Control of Crimes Ordinance, 1978 may not be made against him and also intimate as to whether he desired to examine himself or any other witness (if so, their names and address) in support of his explanation. In the said notice the petitioner was further directed to appear and if he failed to appear as aforesaid or if no explanation or intimation was received within the time specified, it will be presumed that he had no desire to tender any explanation/examine any witness in regard to the said allegations and the District Magistrate would proceed to pass the proposed order.

In the writ application a statement has been made that the petitioner appeared in the office of the District Magistrate, Samastipur on 28.3.2014 but he was asked to appear in Pusa

Thana and thereafter the impugned order was passed.

The writ application is completely lacking in particulars with regard to the said appearance of the petitioner and no documentary evidence in support of the said stand has been produced herein. It is admitted by learned counsel for the petitioner that no reply to the show cause was filed by the petitioner on that day or thereafter.

In the aforesaid circumstances, it would be difficult for this Court to interfere with the order dated 21.4.2014 passed by the District Magistrate, Samastipur. More so, the order of externment in its course ceased to have any force after 31.5.2014.

Learned counsel for the petitioner, however, submits that the petitioner apprehends that on account of an FIR of Mohiuddin Nagar P.S. Case No. 53 of 2011 dated 20.4.2011 under Sections 147, 149, 447, 448, 427, 504, 171(F), 504 of the IPC and 130/131 (B)/35/13(F) of the Representation of People Act, he would be repeatedly harassed by orders of externment passed against him, although on the basis of the single FIR, the petitioner cannot be covered by the provisions of the Bihar Crime Control Act, 1981.

There may be some force in the said submission of learned counsel for the petitioner but it was for the petitioner upon

receipt of the notice dated 21.3.2014 to have raised the plea before the District Magistrate by filing reply to the show cause.

The writ application is, accordingly, disposed of with liberty to the petitioner that in case in future any similar show cause notice is issued to him then it would be open to him to take the plea as is available to him under the law.

**(Ramesh Kumar Datta, J)**

**(Anjana Mishra, J)**

spal/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|