

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1009 of 2015**

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

Sunil Kumar Son of Late Ram Bilash Singh Resident of village - Panki,  
P.S. Silao, District - Nalanda

.... .... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Nalanda
2. District Magistrate, Nalanda
3. Superintendent of Police, Nalanda
4. Sub Divisional Police Officer, Rajgir, District Nalanda
5. Officer Incharge, Silao Police Station, District - Nalanda

.... .... Respondents

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate  
Mr. Imteyaz Ahmed, Advocate

For the Respondent/s : Mr. Vikas Kumar, AC to A.G.

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

**And**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)**

**Date: 16-10-2015**

By this writ petition, petitioner challenges the order passed by the District Magistrate-cum-Collector, Nalanda at Biharsharif passed under Section 3(3) of the Bihar Crime Control Act, 1981 (hereinafter referred to as 'Act').

A show cause was issued to the petitioner listing out about 25 cases in which he was alleged to be an accused asking him to show cause as to why orders be not passed under the said Act. Petitioner immediately replied stating that no particulars of the cases, as referred therein, have been supplied. There is no disclosure as to where the cases are pending. There is no disclosure as to what



are the stages of the case. In other words, what was said that neither there is any First Information Report nor any case record along with the notice in respect of those cases. The Collector, in the impugned order, has noted these contentions as raised by the petitioner, but merely holding that petitioner has been accused in so many cases, he has passed orders putting petitioner under strict surveillance. Petitioner has to mark his presence in the Police Station. He cannot travel beyond the jurisdiction of the Police Station without permission of the Office-in-Charge of the Police Station. This is to continue for over a month.

Sri Ajay Thakur, learned counsel appearing in support of the writ petitioner, submits that this is a serious invasion into the fundamental rights of a citizen. He submits that mere narration of case numbers in the show cause is not sufficient and the order passed merely on that basis is liable to be set aside. Apart from several other cases he relied upon a judgment of the Apex Court in the case of **Mehrunissa Vs. State of Maharashtra** since reported in **1981 Cr.L.J. 1283(1)**; wherein the Apex Court has followed earlier judgments to hold that mere statement of cases is not sufficient, even if the detenu or the petitioner knew the details thereof. It is no excuse to show that petitioner being an accused in those cases was aware of the details therein. The case at hand is no different.

When it comes to the fundamental rights of a citizen which are sought to be taken away, right of locomotion is an integral part of Article 21 of the Constitution. Court has to be vigilant to protect that right.

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In that view of the matter, we are unable to sustain the impugned order passed by the Collector in B.C.C.A. Case No. 06/2015 (State of Bihar Vs. Sunil Kumar @ Captain Sunil Singh) being order dated 25.08.2015 as communicated to the petitioner under Memo No. 1553 dated 25.08.2015. The writ application is, accordingly, allowed.

Let a copy of this order be communicated to the Collector-cum-District Magistrate, Nalanda at Biharsharif.

The order of this court will not preclude from taking any action that the Collector may take in accordance with the provisions of the Act.

**(Navaniti Prasad Singh, J.)**

**(Nilu Agrawal, J.)**

Rajeev/-

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