

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1085 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Neeraj Singh @ Neeraj Kumar, son of Late Deep Narayan Singh, resident of Ekawana Kothi, Baba Chowk, Keshri Nagar, Police Station- Shastrinagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home (Police), Bihar, Patna.
3. The Additional Secretary, Department of Home (Police), Bihar, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Deputy Superintendent of Police, Law and Order, Patna.
7. The Jail Superintendent, Aadarsh Kendriya Kara, Beur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Daya Shankar Prasad, Advocate
Ms. Sugandha Prasad, Advocate
For the Respondent/s : Mr. Md. N. H. Khan, SC 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-08-2017

Challenging the detention of the petitioner under the provisions of Section 12 (2) of the Bihar Control of Crimes Act, 1981, this writ petition has been filed.

Even though various grounds are raised in the writ petition, the fact remains that the detention order was passed on 10.06.2016 and now the petitioner's detention period is over and with regard to detention in question, he has been released. That being so, the petition, in our considered view, has been rendered infructuous.

However, learned counsel for the petitioner vehemently argued that statutory provisions have been violated, the detention is



unsustainable and, therefore, the matter should be considered on merit. We are of the considered view that against the detention order, the petitioner had a statutory remedy of appeal where all these questions should have been agitated and the petitioner having directly approached this Court bye-passing the statutory remedy, now, in the facts and circumstances of the case, when the detention order has come to an end and the petitioner has been released with regard to this detention, we see no reason to go into all these questions which should have been agitated at the first instance by filing statutory appeal. That being so, for the present, we are not inclined to go into all these questions, academic in nature.

Accordingly, we dispose of the matter as having been rendered infructuous leaving the academic questions open to be considered and if required challenged by the petitioner on subsequent date in view of the detention, if any, undertaken by the State Government.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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