

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2945 of 2018

Arising Out of PS. Case No.-772 Year-2017 Thana- PHULWARISHARIF District- Patna

Gaurav Giri @ Gaurav Kumar Giri, son of Yogendra Giri, Resident of
Ishopur Ray Chowk, P.S. Phulwarisharif, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary (Home) Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna.
5. The Deputy Inspector General of Police, Patna.
6. The District Magistrate, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Superintendent of Police, Patna.
9. The Dy. S.P. Phulwarisharif, Patna.
10. The S.H.O. of Phulwarisharif P.S. Patna.
11. The S.H.O. of Hathidah, P.S. Hathidah, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Sri R.C. Sinha, Advocate Sri Uday Prasad, Advocate
For the Respondent/s	:	Miss Divya Verma, A.C. to A.A.G. No. 3

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

3 06-12-2018 Heard Sri R.C. Sinha, learned counsel, assisted by

Sri Uday Prasad, learned counsel for the petitioner and Miss

Divya Verma, learned A.C. to Additional Advocate General No.

3.

The present writ petition was filed with a prayer to
quash an order dated : 20.09.2018 contained in Memo No. 3014
issued by the District Magistrate, Patna / respondent no. 6 under



Section 3 of the Bihar Control of Crimes Act, 1981 [hereinafter referred to as the “Act”]. By the said order considering the fact that petitioner was accused in number of cases and some of his activities, he was asked to report twice in a week before the Officer-in-charge of Hathidah Police Station.

Learned counsel for the petitioner tried to persuade the court that without giving opportunity to the petitioner such order has been passed which is in violation of Section 3 (2) of the Act.

On the contrary, Miss Verma, learned A.C. to Additional Advocate General No. 3 raises preliminary objection on the point of maintainability of the writ petition on the plea that there is statutory remedy available to the petitioner and as such without availing such remedy he may not be allowed to invoke writ jurisdiction of this court.

After some argument, learned counsel for the petitioner requests for disposal of the present writ petition so that petitioner may avail appropriate remedy under the Act.

It goes without saying that if within a period of six weeks from today petitioner files Appeal before the competent authority, the time consumed by the petitioner in pursuing the present proceeding shall be excluded while considering period



of limitation.

The writ petition stands disposed of.

(Rakesh Kumar, J)

(Prakash Chandra Jaiswal, J)

praful/-

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