

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1263 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- PATNA GRP CASE District- Patna

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SURENDRA SAW @ SURENDRA SAH, Son of Late Seocharan Sah,
Resident of Mohalla-Miya Toli, Khushrupur, P.S.-Khushrupur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Patna, Govt. of Bihar Patna.
2. The I.G. Prison, Bihar, Patna.
3. Dy. Superintendent, Civil Model Jail, Phulwari Sharif.
4. The Jailer Civil Model Jail, Phulwarisharif, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. R. K. Rajan, Advocate
For the Respondent/s : Mr. P. N. Sharma, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-09-2019 Heard learned counsel for the petitioner who relying on the judgement in the case of **Arnesh Kumar Versus State of Bihar & Anr**, reported in **(2014) 8 SCC 273** contends that the custody of the petitioner was not only invalid but was unlawful and, therefore, any such further custody suffers from an infirmity that extends to violation of the fundamental rights guaranteed under the Constitution of India.

On the other hand, learned counsel for the State Shri Sharma has invited the attention of the Court to the latest judgement of Hon'ble the Supreme Court in the case of **Serious**



Fraud Investigation Office Vs. Rahul Modi, reported in
(2019) 5 SCC 266.

We have perused both the judgements and we find that paragraph 19 to 20.1. of the judgement in the case of **Serious Fraud Investigation Office Vs. Rahul Modi** (supra) clearly explains the law for which complaint a habeas corpus petition on the grounds referred would not be maintainable as the subsequent detention cannot be invalidated on the grounds so raised.

The petition lacks merits and is, accordingly, rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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