

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1449 of 2019

Arising out of PS. Case No.-36 Year-2019 Thana- RAUTA District- Purnia

SUMAN KUMAR YADAV @ SUMAN KUMAR, Son of Uday Lal Yadav,
Age 22 years, Gender Male, Resident of Village - Shishwa, P.O.-
Baraistmbrar, Anchal Jokihat, Dist.- Araria., Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH THE PRINCIPAL SECRETARY HOME AFFAIRS, GOVT. OF BIHAR, PATNA Bihar
2. The Law Secretary, Ministry of Law and Justice, Government of Bihar at Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The District Magistrate, Purnia.
5. The Superintendent of Police, Dist.- Purnia.
6. The Deputy Superintendent of Police Sadar, Dist.- Purnia.
7. The S.H.O., Rوتا Police Station, Rوتا, Dist.- Purnia.
8. The Superintendent of Remand Home, Purnia.
9. Mohd. Jabadul Son of Abdul Jalil Resident of Village - Malopara, P.S.- Rوتا, Dist.- Purnia
10. Sadaf Jia W/o Suman Kumar Yadav, D/o Mohd. Jabadul Resident of Village - Malopara, P.S.- Rوتا, Dist.- Purnia, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-10-2019 It has been pointed out by the learned counsel for the

State that in view of the judgment of the Apex Court in the case

of **Serious Fraud Investigation Office Vs. Rahul Modi and**

another, reported in **(2019) 5 SCC 266**, the present Habeas



Corpus petition may not be maintainable.

Learned counsel for the petitioner submits that the issue of maintainability of a Habeas Corpus petition coupled with a prayer for a writ of *certiorari* to quash a judicial order, which may otherwise be unsustainable, is engaging the attention of a Full Bench of this Court in the case of **Shikha Kumari Vs. The State of Bihar through Principal Secretary, Home (Police) Deptt., Govt. of Bihar [Cr.W.J.C. No. 1355 of 2019]**. Accordingly, it is prayed that he may be permitted to withdraw the writ petition at this stage and approach the Court after the decision in the Full Bench.

The petition is accordingly dismissed as withdrawn with the said liberty.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

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