

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.197 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Patna

Chandan Kumar S/o Tunnu Prasad Village-Bhirpar, P.S.-Gaurichak, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Sectt. Dept. Of Panchyati Raj, Govt. of Bihar, Patna.
2. District Magistrate Patna.
3. District Development Commissioner Cum Chief Executive Officer District Board, Patna.
4. Manohar Prakash Chaudhary S/o Ramrup Chaudhary P.O-Akhtiyarpur, P.S-Bikram, District-Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kr. Pandey, Advocate Mr. Abhay Kumar, Advocate
For the State	:	Mr. Dharendra Kumar, AC to AAG-6
For the Respondent/s	:	Mr. P.N. Shahi

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2020 Although this writ application has been filed by the petitioner in person, today, Mr. Abhay Kumar, learned Advocate, has filed *Vakalatanama*.

Learned counsel for the petitioner submits that this petitioner is brother of the accused Shrimati Anju Devi who is facing her prosecution in Case No. 89 of 2019 arising out of Gardanibagh SC/ST P.S. Case No. 10 of 2019 pending before the Special Judge SC/ST Court, Patna.

Learned counsel submits that the sister of the petitioner has already filed Criminal Appeal No. 235 of 2020 (SJ) against the order refusing her bail in A.B.P. No. 7269 of 2019 and the said



criminal appeal is still pending in this Court. In the meantime, the petitioner being her brother has moved this Court to save his sister from arrest in the said case.

Learned counsel for the State is correct in his submission that this writ application as framed cannot be entertained. The petitioner is not an accused in the said case and there is no provision for filing of this writ application in representative capacity on behalf of her sister who is herself seeking her remedy in Criminal Appeal pending before this Court.

Learned counsel has rightly submitted that this application seems to be filed on ill advice and misconceived understanding of law.

This Court agrees with the submission of the learned counsel for the State. The petitioner being brother of the accused cannot maintain this writ application. His sister is already availing her remedy in criminal appeal pending before this Court.

This application stands dismissed for the reasons stated.

(Rajeev Ranjan Prasad, J)

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