

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11565 of 2009**

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Ajit Sarthi, son of late Rudra Kumar Prasad Narayan Singh, Resident of village and P.O.- Chhitauli, P.S.- Chainpur, District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. Chief Minister, through the Principal Secretary, Chief Minister's Secretariat, 4 Deshratna Marg, Patna.
3. Law Minister, Bihar through the Law Secretary, Main Secretariat, Patna.
4. Secretary, Law Department, Government of Bihar, Main Secretariat, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s :

For the Respondent/s :

Mr. Vikash Kumar, Sc 11

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 08-09-2020**

Petitioner has prayed for the following relief(s):-

“A. Of testing the Constitutional validity of the Bihar Police Act 2007 (Act 7 of 2007, Bihar), on the grounds of its (A) being opposed to Public Interest pronounced by the Hon'ble Supreme Court, (B) Inception having been based on the desire of over-reaching the Public Interest relating to Police Reforms, pronounced by Hon'ble the Supreme Court on 22/09/06, in Writ Petition (Civil) No. 310 of 1996 (Prakash Singh and others versus Union of India & Others) and also (C) having been drafted with the intention of defeating the order dated 11/01/07, passed in the said case, in violation of the Constitutional Compulsion imposed by provisions of Article 144 of the Constitution of India, which makes it binding on every Civil and Judicial Authority, to act in Aid of the Supreme Court and

B. For setting aside the Bihar Police Act 2007 upon declaring it as Ultra-Vires to the Constitution of India, after holding it as



UnConstitutional and based on Violation of Article 144, 372(1), 251 and 254 of the Constitution of India, after setting the questions of law, raised in paragraph number 2 of this writ application.

C. For the interim Relief of putting a Stay on the operation of Bihar Police Act 2007, during pendency of this instant writ application.”

Petitioner has challenged the Constitutional validity of Bihar Police Act, 2007.

Petition was filed on 3.9.2009. Lastly, when this matter came up for hearing on 18.8.2020, this Court had passed the following order :

“We find the present petition has been filed by the petitioner in person.

Let the State ascertain as to whether petitioner is still in service. If so, his particulars, particularly his E-mail I.D./Mobile/Telephone Number be got ascertained and furnished to the Court Master.

Shri Pawan Kumar, learned A.C. to A.G. undertakes to do so within one week.

List on 7<sup>th</sup> September, 2020.”

Shri Vikash Kumar, learned Standing Counsel No. XI, informs that as per information received from the Superintendent of Police, Patna, petitioner no longer resides at the last given address, also has not visited his native village for more than a decade.

We are further informed that the issue raised in the present petition is pending consideration before the Hon’ble Apex Court in (2019) 4 SCC 1 titled as Prakash Singhj & Ors.



Vs. Union of India & Ors. It appears that the petitioner has lost interest in the present matter and as such he has not pursued the same.

Be that as it may, we dispose of the present petition reserving liberty to the petitioner to approach this Court on the same and subsequent cause of action if so needed. Also the outcome of the decision rendered by the Hon’ble Apex Court with regard to the issue under challenge before this Court, shall bind the parties.

Interlocutory application, if any, stands disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

sujit/-

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