

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.372 of 2020**

Arising Out of PS. Case No.-76 Year-2020 Thana- SAMASTIPUR District- Samastipur

1. EMDADUL HOQUE S/o Abdul Kashem Resident of Holding No.6, Ward No.2, Chanddagram, Bangladesh. Present Address Masjid-e-Belal, Dharampur, Samastipur.
2. Nesar Ahmed S/o Mohmed Zinnat Ali Resident of Village-Noarajarampor, Post-Amisha Para, P.S.-Sonaimuri Noakhali, Bangladesh. Present Address Masjid-e-Belal, Dharampur, Samastipur.
3. Konstantin Kuzenkov S/o Aleksand Rouich Resident of Bishkek Alattoo, Baiche Chekis, S-90, Kyrgyz Republic Present Resident of Masjid Belal, Samanpura, Rajabazar, P.S-Shashtrinagar, District-Patna.
4. Sherzhigit Keneshov S/o Dgoldosh Bekovich Resident of Issikul Dganaryk, Kadirake, Kyrgyz Republic. Present Resident of Masjid Belal, Samanpura, Rajabazar, P.S-Shashtrinagar, District-Patna.
5. Nur Mahmudi Yusuf Daulay S/o Asril Fuady Daulay Resident of Rancamanyar Regency Block CD-1, No.120, RT-02, R.W. 17 KEC. BALEENDAH KAB BANDUNG JAWA BARAT-INDONESIA. at present address Jama Masjid New Bhojpur, Dumrao, P.S.-Dumrao, District-Buxar.
6. Imam Akbar Al Huda Daulay Resident of Rancamanyar Regency Block CD-1, No.120, RT-02, R.W. 17 KEC. BALEENDAH KAB BANDUNG JAWA BARAT-INDONESIA. at present address Jama Masjid New Bhojpur, Dumrao, P.S.-Dumrao, District-Buxar.
7. Muhammad Hafizuddin Bin Zainal Abdin S/o Zinal Abdin Citizen of Malysian, Passport No. A54585390, at present address Mandal Jail, District-Kishanganj.
8. Abdul Wahab S/o Not known Citizen of Indonesian, Passport No. C5436518 at present address Mandal Jail, District-Kishanganj.
9. Agus Fathurrahim Arsyad S/o not known Citizen of Indonesian, Passport No. C4883250. at present address Mandal Jail, District-Kishanganj.
10. Zhumanov Mirbek S/o Taji Nazar Resident of Chui Sokuluk, V. Antonovka Frunze 83A, Kyrgyz Republic at present address Jama Masjid Naya Tola, P.S.-Phulwarisharif, District-Patna.
11. Abakirob Mirlan S/o Abu Talib Resident of Chui Isik-Ata, Epkin Altinbek-15, Kyrgyz Republic. at present address Jama Masjid Naya Tola, P.S.-Phulwarisharif, District-Patna.

... .. Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Deptt. of Human Resource Development, Govt. of Bihar.
3. The Union of India
4. The Director General of Police, Bihar.



5. The Superintendent of Police District-Patna.
6. The Superintendant of Police District-Kishanganj
7. The Superintendant of Police District-Samastipur.
8. The Superintendant of Police District-Buxur.
9. The Superintendent of Police, District-Araria.
10. The SHO, Digha, Police Station, District-Patna.
11. The SHO, Phulwarisharif, Police Station, District-Patna.
12. The SHO, Dumraon, Police Station, District-Buxur.
13. The SHO, Samastipur Town, Police Station, District-Samastipur.
14. The SHO, Kishanganj, Police Station, District-Kishanganj.
15. The SHO, Narpatganj, Police Station, District-Araria.
16. The SHO, Araria, Police Station, District-Araria.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Advocate Mr.Majid Mahboob Khan, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, AG Mr.Anjani Kumar, AAG Mr.Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Report within four weeks after start of normal functioning of this Court.

Heard Mr. Alok Ranjan, learned counsel for the petitioners along with Mr. Majid Mahboob Khan, learned Advocate on record.

The petitioner has come before the Court for the following reliefs:-

“A. For issuance of an appropriate writ order or direction to the concerned court below to conclude the criminal proceeding, which includes decision over plea bargaining stand taken by the accused, arising of the 7 different



P.S. case as described here below within stipulated period of time preferably within one week for those who wish to plea bargain and within eight weeks for those who wish to contest the trial, as observed by Hon’ble Apex Court

Sl No	District	P.S. Case No.	Status and court before which proceeding is pending
1.	Patna	Digha P.S. Case No. 219/2020	Charge sheet submitted
2.	Patna	Phulwari Shareef P.S. Case No. 236/2020	Do
3.	Buxar	Dumraon P.S. Case No. 121/2020	Do
4.	Samastipur	Samastipur P.S. Case No. 158/2020	Do
5.	Kishanganj	Kishanganj P.S. Case No. 149/2020	Do
6.	Araria	Araria P.S. Case No. 297/2020	Do
7.	Araria	Narpatganj P.S. Case No. 158/2020	Do

B. For any other relief or reliefs for which the petitioner deserves in the facts and circumstance of the case.”

Pursuant to the discussions which this Court had noticed and Mr. Prabhu Narayan Sharma, learned AC to learned AG was requested to apprise the learned Advocate General to appear in this case, today Mr. Latit Kishore, learned Advocate General and Mr. Anjani Kumar, learned Additional Advocate General both are present.

At the outset, the learned Advocate General as well as the learned Additional Advocate General have brought to the notice of this Court one I.A. No. 1 of 2020 filed on behalf of the respondent



State. It is their common submission that let the I.A. be taken as an application on behalf of the State in the light of the judgment of the Hon'ble Supreme Court in writ petitions (Civil No. 600 of 2020). In fact the learned Advocate General has submitted to the extent that it should be treated as a motion made by the learned Advocate General and in such circumstance no formal application is required on behalf of the State.

A copy of the judgment of the Hon'ble Apex Court in the said case has been brought on record. The relevant part of the order passed by Hon'ble Apex Court are quoted hereunder for a ready reference:-

“By these applications the intervenors seek directions to transfer pending criminal cases instituted against the respective applicant(s) in different districts throughout the State of Bihar to one Court in district Patna and to issue directions to expeditiously dispose of the stated cases as noted in the prayer clause (i) of the application including case arising from F.I.R. No. 297/2020, registered at Police Station Aaradhya, District Aaradhya, Bihar.

Counsel appearing for the State of Bihar has no objection in this behalf.

In our opinion, the prosecution must forthwith move a formal application before the High Court for such relief, which we are certain would be considered appropriately in light of and on similar terms vide order of this Court dated 06.08.2020 in reference to similar cases in the NCT of Delhi. After the High Court allows the proposed application of the State, the trial Court may make endeavour to dispose of the concerned criminal case within eight weeks from the date it is transferred.



If the State of Bihar fails to move application before the High Court within one week from today, as indicted earlier, it will be open to the applicants either individually or together to move a formal application(s) before the High Court of Patna, after one week from today and such application(s), if filed, be considered by the Court expeditiously, preferably within one week from the date of institution.

Learned counsel for the State of Bihar, on instructions, submits that needful will be done by the State of Bihar within one week from today. We accept the assurance given by the State of Bihar.”

Mr. Alok Ranjan, learned counsel for the petitioners submits that the I.A. No. 1 of 2020 filed on behalf of the State may be taken as one in terms of the order of the Hon’ble Apex Court and an appropriate order be passed thereon which may ultimately redress the grievance of the petitioners in the present writ application.

As agreed at the Bar and submitted by the learned Advocate General as well as the learned Additional Advocate General, this Court directs that let I.A. No. 1 of 2020 be taken as a formal application on behalf of the State in the light of the order of the Hon’ble Apex Court as noticed hereinabove. As a constitutional Court exercising its power under Article 226 of the Constitution of India and looking into the order of the Hon’ble Apex Court, this Court deems it just and proper to direct transfer of all the similar cases in the nature stated in this writ application as per table in paragraph ‘1’ of the writ petition pending in different district courts in the State of Bihar to one particular trial court at Patna. This Court



would, however, not name the particular trial court at Patna and thinks it proper to observe that let the Hon'ble the Chief Justice, Patna High Court, Patna exercise his Lordships discretion to allot all these cases to a particular trial court at Patna.

Keeping in view the order of the Hon'ble Apex Court, it is desirable that the learned Registrar General of this Court bring this matter to the notice of the Hon'ble the Chief Justice at the earliest opportunity. Needless to say that once the particular trial court is assigned to look into all the matters which will be transferred from the different districts, the learned trial court at Patna would be obliged to comply with the order of the Hon'ble Apex Court in it's terms and spirit.

This writ application as well as I.A. No. 1 of 2020 stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

