

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.345 of 2020

Arising Out of PS. Case No.-44 Year-2017 Thana- AGAMKUAN District- Patna

SUDHIR KUMAR Son of Late Radha Prasad Resident of Gandhi Nagar, P.S. Sadar, District Hazaribagh, Jharkhand, at present under custody in Beur Adarsh Kendriya Karagar, Patna P.S. Beur, District - Patna, Bihar in connection with Agamkuan P.S. Case No. 44 of 2017 Instituted on 04-02-2017.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Additional Chief Secretary, Department. of Home, Govt. Of Bihar
2. The Director General, Vigilance Investigation Bureau Department. of Cabinet Vigilance, Government. of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan
For the Respondent/s : Mr.A.G

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

(Per: HONOURABLE THE CHIEF JUSTICE)

7 10-02-2021 Heard the parties.

Petitioner has prayed for following reliefs:-

“(I) Issuance of the writ in the nature of Habeas Corpus for release of the petitioner who is under illegal custody in connection with Agamkuan P.S. Case No. 44 of 2017 corresponding to Special Case No. 11 of 2017 on the ground that the continuance of the proceeding against the petitioner before the learned Trial Court is absolutely illegal, beyond authority of law;

(ii) A declaration to the effect that the continued detention of the



petitioner in connection with Special Case No. 11 of 2017 arising out of Agamkuan P.S. Case No. 44 of 2017 is illegal and beyond authority of law which warrants issuance of a writ of Habeas Corpus.

(iii) A declaration that the proceedings against the petitioner in connection with Special Case No. 11/2017 pending before the learned Special Judge, Vigilance, arising out of Agamkuan P.S. Case No. 44 of 2017, on account of absence of an order of sanction as mandatorily required under Section 19 of the Prevention of Corruption Act, is beyond jurisdiction, and thus a nullity in the eyes of law rendering all the orders unenforceable and void;

(iv) A declaration that the orders of remand being passed against the petitioner putting in under judicial custody suffers from the vice of complete lack of jurisdiction and jurisdictional facts; and

(v) Issuance of writ in the nature of prohibition restraining the learned Special Judge, Vigilance 1st, Patna from proceeding qua the petitioner only in connection with Special Case No. 11 of 2017 arising out of Agamkuan P.S. Case No. 44 of 2017.

Learned counsel for the petitioner seeks permission to withdraw the present petition.

permission granted.

Petition stands disposed of as withdrawn, reserving



liberty to the petitioner to initiate appropriate proceeding as per law.

Interlocutory application(s) if any shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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