

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.374 of 2020**

Arising Out of PS. Case No.- Year-0 Thana- District- Jamui

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GUDDU YADAV Son of Vishundeo Yadav @ Machchar Yadav Resident of
Village- Sikandara, P.S.- Sikandara, District- Jamui, at present Resident at
Mohalla- Eklavya College, P.S.- Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
4. The Commissioner, Munger.
5. The Inspector General of Police, Bhagalpur Range, Bhagalpur.
6. The District Magistrate, Jamui.
7. The Superintendent of Police, Jamui.
8. The Deputy Superintendent of Police, Jamui.
9. The Officer-in-Charge, Sikandara Police Station, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Adv. Mr. Vipin Kumar, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard Mr. P.K. Shahi, learned senior counsel assisted

by Mr. Vipin Kumar, learned counsel for the petitioner and Mr.

Sheo Shankar Prasad, learned SC-8 representing the State.

Petitioner in the present case is seeking the following



reliefs:-

“I. For quashing of Memo No.1284 dated 09.09.2020 (Annexure-6) issued by the Respondent No.6 whereby and where under petitioner has been asked show cause as to why not order be passed against him under Section 3(3) of Bihar Crime Control Act, 1981.”

II. For direction upon the Respondent No.7 to strike of the cases from the criminal history of the petitioner, as mentioned in Letter No.1328 dated 03.09.2020 issued by Respondent No.8, in which petitioner has already been acquitted by the Trial Court and further also strike the cases in which petitioner is neither accused nor received any summon.

III. For declaration by this Hon'ble Court that notice contained in Memo No.1284 dated 09.09.2020 (Annexure-6) is bad in law as well as on fact.

IV. For any other relief/reliefs for which the petitioner is found entitled to.”

It appears on perusal of the pleadings and the submissions of Mr. Shahi, learned senior counsel for the petitioner that the petitioner has been served with a show cause notice as contained in memo no.1284 dated 09.09.2020 (Annexure-6 to the writ application) whereby he has been called upon to show cause as to why an order be not passed under Section 3(3) of the Bihar Crime Control Act, 1981. It appears



from perusal of the statements made in paragraph '14' of the writ application that the respondent authorities have found 19 criminal cases against this petitioner, however, it is the contention of learned senior counsel for the petitioner that the petitioner has been acquitted in some of the cases, the case numbers have been described in paragraph '15'. It is submitted that in some of the cases the petitioner is not an accused.

Lastly, learned senior counsel for the petitioner submits that the petitioner will submit his show cause/explanation and the respondent authorities may be directed to take decision thereupon in accordance with law.

After hearing learned senior counsel for the petitioner, this Court is of the opinion that the writ application has been filed in haste only as the petitioner has been presently served with a show cause notice and the authorities have given him an opportunity to submit his explanation. This is not the stage for the petitioner to invoke the extraordinary writ jurisdiction of this Court.

This Court has no iota of doubt that at this stage the show cause notice issued by the respondents cannot be interfered with. The petitioner has been given an opportunity to explain his stand. He may do so within two weeks from today



and after submission of his explanation it will be open for the authorities to proceed in accordance with law and take an appropriate decision pursuant to the show cause notice (Annexure-6).

This application stands disposed of with the aforesaid observations.

(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'.

