

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.163 of 2019

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Professor Sidheshwar Prasad Singh Late Nawrang Singh Resident of Mohalla
Satendra Nagar PS Town Aurangabad District Aurangabad

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Home,
Govt. of Bihar, Patna
2. The Principal Secretary, Department of Home Govt. of Bihar Patna
3. The Director General-cum-Inspector General of Police. Govt. of Bihar Patna
4. The Deputy Inspector General of Police, Magadh Range Aurangabad
5. The District Magistrate, Aurangabad Aurangabad
6. The Superintendent of Police Aurangabad
7. The Officer-in-Charge of Town Police Station, Aurangabad District
Aurangabad

... .. Respondents

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with

Criminal Writ Jurisdiction Case No. 297 of 2019

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Md. Shahnawaz @ Sallu Khan S/o Motiurrahman, resident of Mohalla-
Pathan Toli,

... .. Petitioner

Versus

1. The State Of Bihar Through Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary, Department of Home (Police), Govt. of Bihar
3. The Director General-cum-Inspector General of Police, Govt. of Bihar
4. The Deputy Inspector General of Police, Magadh Range, Aurangabad.
5. The District Magistrate, Aurangabad
6. The Superintendent of Police, Aurangabad.
7. The Officer Incharge of Town Police Station, Distt. Aurangabad.

... .. Respondent/s

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Appearance :

(In Criminal Writ Jurisdiction Case No. 163 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Respondent/s : Mr.M. Nasrul Huda Khan, SC 1

Mr. Harun Qureshi, AC to SC 1

(In Criminal Writ Jurisdiction Case No. 297 of 2019)

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Respondent/s : Mr. Suman Kumar Jha AC to AAG 3



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 06-04-2022 Both the writ applications have remained pending awaiting decision of Hon'ble the Supreme Court in Criminal Appeal Nos. 660 of 2021 arising out of SLP (Crl.) No. 4127 of 2019.

At this stage, the judgment has come. This Court would reproduce the relevant paragraphs as under:-

“5. It is not in dispute that after filing of the police report(s), the concerned Court has also taken cognizance of the offences and summoned the accused.

6. In light of this development, it may not be appropriate to examine the correctness of the view taken by the High Court in the present appeal. Instead, we would give liberty to the respondents/accused to apply/argue for discharge before the concerned Court, if so advised. All contentions available in respect of that relief will have to be considered by the concerned Court on its own merits in accordance with law without being influenced by any observation made by the High Court in the impugned judgment, which we hereby set aside in terms of this order.

7. Needless to observe that in the application for discharge, it will be open to the respondents/accused to urge the grounds taken by them before the High Court and referred to in the impugned judgment which, as aforesaid, will have to be considered on its own merits and in accordance with law uninfluenced by the observations made in the impugned judgment.



8. In addition, it will be open to the respondents/accused to apply to the concerned courts for clubbing trial of all the cases to be tried together, which application also may be considered by the concerned Court on its own merits and in accordance with law. Alternatively, it may be open to the respondents/accused, including to the prosecution to make a request to the Sessions Judge for allotting the charge sheets to one Court, to be proceeded in accordance with law.

9. In other words, we have kept all issues, contentions and reliefs available to the respondents/accused as also to the prosecution open, to be considered by the concerned Court on its own merits and in accordance with law.”

Accordingly, Both the writ applications are being disposed of in terms of the aforementioned judgment of Hon’ble the Supreme Court.

(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’.

