

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.196 of 2022

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

Bipin Kumar, Male, aged about 44 years, Son of Indradeo Yadav, Resident of Village- Sondiha, P.O.- Chutiya, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Magistrate, Banka, District- Banka.
5. The Superintendent of Police, Banka, District- Banka.
6. The Jail Superintendent, Divisional Jail, Banka, District- Banka.
7. The Station Head Officer, Katoria Police Station- District- Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate Mr. Awnish Kumar, Advocate Mr. Kumar Gaurav, Advocate
For the Respondent No. 5:		Mr. P.N. Sahi, Sr. Advocate along with Mr. Rabindra Priyadarshi, Advocate
For the State	:	Mr. Anjani Kumar, A.A.G. 4 Mr. Alok Kumar Rahi, A.C. to A.A.G. 4

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and

HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

8 08-09-2022 Heard Mr. S.B.K. Mangalam, learned counsel for the petitioner; Mr. Anjani Kumar, learned Additional Advocate General No. 4 for the State and the then District Magistrate, Banka and Mr. P.N. Sahi, learned Senior counsel along with Mr. Rabindra Priyadarshi, learned counsel for the then S.P., Banka.

2. Pursuant to the earlier order, Mr. Suharsh Bhagat, the then District Magistrate, Banka and Mr. Arbind Kumar



Gupta, the then S.P. Banka are present. In addition to them, Mr. Madhaw Kumar Singh, A.D.M., Banka and Mr. Manglesh Kumar Singh, Dy. S.P. (Head Quarter), Banka are also present.

3. Today show cause has been filed on behalf of the officers.

4. Before reverting to the show cause filed by the officers, they fairly submit that the procedure, as was required to be strictly followed had not been done, but it was unintentional and not deliberate and due to communication gap between the authorities especially at the ground level.

5. Having given our anxious thought the Court expresses its deep concern with regard to the non conformity to the procedure prescribed under the relevant statues, especially when it relates to the life and liberty of a citizen of this country.

6. At this juncture, Mr. Anjani Kumar, learned A.A.G. 4, submitted that he would convey the feeling and sentiment of the Court to the State Government for sensitizing the officials in this regard so that stringent laws especially relating to the civil liberties of the common citizen are implemented strictly in accordance with the procedure prescribed under the statues and in conformity with the constitutional requirements, more so especially during periods like election when the right of the



people exercising their franchise are involved.

7. In view of the petitioner being released and no objection being raised on his behalf, the writ petition stands disposed of. The Court expects that no biasness would be shown towards the petitioner just because he has approached the Court in the present matter and action, if any required, would be taken in accordance with law.

8. Appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

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