

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.483 of 2023

Arising Out of PS. Case No.-230 Year-2015 Thana- SUPAUL District- Supaul

Shaligram Sah Son Of Sri Lakhan Lal Sah Resident Of 101, Pine Villa
Apartment, Road No. 15, Patel Nagar, Ps - Shastrinagar, District- Patna

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Principal Secretary, General Administration Dept., Govt. Of Bihar Patna, Bihar.
2. The Secretary, Law Department Govt. Of Bihar, Patna.
3. The Superintendent Of Police (D), Crime Investigation Department, Bihar, Patna.
4. The District Magistrate, Supaul.
5. The Superintendent Of Police, Supaul.
6. The District Manager, Bihar State Food And Civil Supply Corporation, Supaul.
7. The Station House Officer, Supaul Police Station, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present writ petition has been filed for quashing/setting aside the Order No. S.P. 29/2019, 164/J. Patna, dated 12.03.2021 passed by the Respondent No. 2 i.e. The Secretary, Law Department Govt. Of Bihar, Patna, by which prosecution sanction has been granted against the petitioner in connection with Supaul P.S. Case No. 230 of 2015, which was registered under Section 406/409/420/467/468/471/120B of the I.P.C. and Section 13(2), read with 13(1)(d) of the Prevention of

Corruption Act. At the very out-set, and, upon putting the questions, whether the said function is under **Rules of Executive Business, 1979** (G.S.R. 3 dated the 16th January, 1979, published in Bihar Gazette (ex-ord.) dated 16.01.1979) or not, and, whether the remedy under the rule of Executive Business or not, learned counsel for the petitioner fairly submits that it true that under **Rules of Executive Business, 1979** (G.S.R. 3 dated the 16th January, 1979, published in Bihar Gazette (ex-ord.) dated 16.01.1979), the statutory remedy is there, therefore, this Court directs him to move before the appropriate authority to avail statutory remedy available under the **Rules of Executive Business, 1979** (G.S.R. 3 dated the 16th January, 1979, published in Bihar Gazette (ex-ord.) dated 16.01.1979) and it is directed to the authority concerned, before whom petitioner shall move for his statutory remedy, shall dispose off this matter within two months, from the date of filing petition.

With the aforesaid direction, this Cr. Writ application is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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