

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.865 of 2021**

Arising Out of PS. Case No.-99 Year-2020 Thana- SALAKHUA District- Saharsa

Chunchun Kumar @ Munchun Yadav S/O Awdhesh Yadav @ Awadhesh Kumar Permanent R/O Village-Khurasan, P.S-Salkhua, District-Saharsa. Presently Residing At C/O Vijya Vilas Pingle, Shikarpur Road, Near Vishal Garden, Pansare Malla Chakan, Pune-410501 (Maharashtra).

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Home Deptt., Govt. Of Bihar, Patna Bihar
2. The Deputy Inspector General (D.I.G.), Kosi Range, Bihar
3. The Superintendent Of Police, Saharsa.
4. The Deputy Superintendent Of Police, Simri Bakhtiyarpur, Saharsa.
5. The Officer-In-Charge/S.H.O., Salkhua P.S., Saharsa.

... .. Respondent/s

**Appearance :**

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|----------------------|---|---------------------------|
| For the Petitioner/s | : | Mr. Pramod Mishra, Adv.   |
| For the Respondent/s | : | Mr. Md. Nadim Seraj, Gp-5 |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      22-03-2023                      Heard learned counsel for the petitioner and learned counsel for the State.

Counsel for the petitioner submits that he is accused in Salkhua P.S. Case No. 99 of 2020 under the provisions of the I.P.C. and Arms Act. The specific allegation against the petitioner is that on the alleged date and place of occurrence, he was not present rather on the said date, he was working at the place of his working/ posting which is very far from the place of occurrence.

Counsel submits that he has filed representation in

this regard to the high officials. The high officials also observed in this matter but still the victimization of the petitioner is continuing.

Counsel for the petitioner submits that he is well aware about the common order passed by the Co-ordinate Bench of this Court in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* and analogous cases decided on 09.09.2022.

Counsel for the petitioner submits that he has only grievance that in case, process under Section 82 and Section 83 has been issued, then the high officials may not entertain his representation.

Counsel for State submits that there is subsistence in the arguments of the petitioner but rule of law has to be follow.

Liberty is hereby granted to the petitioner that he shall represent through *Vakalatnama* before the high officials and his representatives shall file representation, if process under Section 82 and Section 83 has been issued against him.

In this view of the matter, the present criminal writ petition is **disposed off** with direction to the petitioner to file representation before the Superintendent of Police, Saharsa in the light of the order passed in *Surendra Singh Vs. The State of*

***Bihar & Ors.*** in ***Cr. WJC. No. 153 of 2017*** with analogous cases decide on 09.09.2022 within four weeks’ from today and the Superintendent of Police, Saharsa shall consider the representation and take appropriate action.

**(Dr. Anshuman, J.)**

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