

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1079 of 2024

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

Arvind Kumar @Baoua Yadav Son of Bhumi Yadav R/o Village Arraha
Suhath ward no 03 P.S. Saurbazar, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary Home Dept. Govt. of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The District Magistrate- Cum- Collector, Saharsa Bihar
4. The Superintendent of Police, Saharsa Bihar
5. The DY. SP, Sadar, Saharsa Bihar
6. The SHO, Saur Bazar Police Station, District- Saharsa Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Kr. Singh, Advocate Mr. Budhilal Yadav, Advocate
For the State	:	Mr. Arvind Kumar, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

8 21-10-2024 The petitioner has sought for the following reliefs:

“i) For issuance of Writ/Writs, Order/Orders, Direction/Directions, in the nature of Certiorari for quashing the letter dated 15/04/2024 issued by District Magistrate-Cum-Collector, Saharsa whereby and where under exercise the power U/s 2(d) (1) of Bihar Control of Crimes Act 1981 and belief that the antisocial elements who habitually Commits or attempts to Commit or



abets the Commission of offences under Chapter XVI and XVII of the Indian Penal Code to come under the definition it is immaterial whether he commits the offence himself or causes its commission as a member or leader of a gang effecting human body relates to offence therefore the District Magistrate order petitioner to appear in Purnia Sadar Police Station every day in the morning about 9 A.M. to 11 A.M and in the evening 5 P.M to 8 P.M. and also report to the police and put his signature in the attendance register accordingly letter No-628 dated 18/04/2024 issued by the incharge officer, In charge Law Branch, Saharsa has also issue the said letter, therefore the petitioner seeking quashing against the letter No.-628 dated 18/04/2024.

ii) For further prayed during the pendency of this criminal writ application may kindly stay the impugned order dated 15/04/2024 as well as impugned letter No-628 dated 18/04/2024 for satisfaction with respect to a person with a view to preventing him for acting in any manner prejudicial to maintenance of public order accordingly after exercising the power of said act direct the Petitioner to remove himself outside the district or part thereof resist from entering the district for 6 months until the expiry of such period the movement of the Petitioner in the District, Saharsa not to movement in the district



Saharsa, rather the Petitioner has been shifted to District Purnia for the period of 6 months and also directed the petitioner notifying his movement and also directed the petitioner to report himself in the district Purnia before the S.H.O of Sadar Police Station Purnia with effect from the date of order and directed the Petitioner to remove himself outside the Saharsa, direct for the Period of 6 Months and also directed the Petitioner for report in Sadar Police Station, Purnia district to report himself in the morning about 9 A.M to 11 A.M. and in the evening 5 P.M. to 8 P.M for the Period of 6 months and also directed him to put his Signature in the attendance of Police Register, therefore the order of impugned itself shows that there is Violation of Article 14, 19 and 21 of the Constitution of India because of poor person who himself directed the Respondents District Magistrate Saharsa not to movement in the district Saharsa rather resist from entering the home district, issued by District Magistrate – Cum-Collector, Saharsa as well as officer In charge Law branch, Saharsa.

iii) For further any other relief/reliefs order / orders, direction/directions may deem fit and proper in the facts of the circumstances of this case.”

2. On 18.04.2024, the District Magistrate, Saharsa had passed an order under Section 2 of the Bihar Control of Crimes



Act, 1981 with various conditions while treating petitioner as antisocial element. Such order has been passed for a period of six months. As on this day, the order dated 18.04.2024 of the District Magistrate has already spent its force, therefore, nothing remains in the present matter.

3. Learned counsel for the petitioner submitted that in the impugned order while referring to ten cases which are more than ten years old and most of the cases have already been concluded, in the absence of any concrete material, the District Magistrate should not have passed such impugned order in the absence of any apprehension of the fact that petitioner was a threat to the society. It is also submitted that there must be live and proximate link between the past conduct and it is not forthcoming.

4. Learned counsel for the respondents resisted all those contentions and submitted that in view of the fact that order dated 18.04.2024 has already spent its force, therefore, nothing remains in the present petition.

5. Having regard to the later development to the extent that impugned order dated 18.04.2024 has already spent its force, therefore, nothing remains in the matter to examine. However, in future, the District Magistrate, if he wants to pass



order in identical matter, in that event, he has to take note of principles laid down by the Hon’ble Supreme Court insofar as detention order is concerned. *Prima facie*, the impugned order is not a speaking and reasoned order to the extent with reference to cases of the year 1995, 1998 to 2014 which are relating to certain offences alleged to have been committed by the petitioner and he was facing criminal cases and some of the cases are concluded. There is no iota of material evidence to show that he was threat to the society in the year 2024. In view of the fact that the order has already spent its force, question of interference with the impugned order dated 18.04.2024 would be redundant.

6. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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