

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1927 of 2024

Arising Out of PS. Case No.-25 Year-1990 Thana- C.B.I CASE District- Patna

Mangala Nand Jha @ M. N. Jha Son of Late Satanjeev Jha Village- Baruar,
Ps- Loukha (Andharathari), Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Through the Home Secretary, Bihar, Patna Bihar
2. The Inspector General, Prison and Jail reforms, Govt. of Bihar, Patna Bihar
3. The Superintendent of Jail, Central Jail, Beur, Patna bihar
4. C.B.I., ACB, Patna Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uday Shankar Choudhary, Advocate
For the Respondent/s	:	Mr.A.G.
For CBI	:	Mrs. Nivedita Nirvikar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2 23-09-2024 Prima facie, present Cr. W.J.C. No. 1927 of 2024

under Article 226 and 227 of the Constitution is not maintainable in view of the fact that the appellant has alternative remedy under Cr.P.C./BNSS in the light of the Hon’ble Supreme Court decision in the case of *Vipin Sahni and Another Vs. Central Bureau of Investigation* reported in *2024 SCC Online SC 511* in Para 25 and it held as under:-

“25. We may also note that in the event a revision is lawfully instituted before the High Court but the same is thereafter found to be not maintainable on some other ground, it would be open to the High Court to treat the same as a petition



filed under Section 482 Cr.P.C. in order to do justice in that case. However, the reverse analogy may not apply in all cases and it would not be open to the High Court to blindly convert or treat a petition filed under Section 482 Cr.P.C. as one filed under Section 397 Cr.P.C., without reference to other issues, including limitation. When the specific remedy of revision was available to the CBI, it could not have ignored the same and filed a petition under Section 482 Cr.P.C. We, therefore, find in favour of the appellants even on this count.”

2. The aforementioned principle laid down by the Supreme Court is aptly applicable to the case in hand.

3. Learned counsel for the petitioner after arguing for some time, seeks permission to withdraw this petition.

4. Accordingly, the present Cr. W.J.C. No. 1927 of 2024 stands dismissed as withdrawn, reserving liberty to the petitioner to invoke appropriate remedy before the appropriate forum.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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