

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.457 of 2023

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

Mithilesh Kumar @ Amitabh Kumar, Son of Sri Birendra Kumar, Resident of
Village- Mahangupur, P.S.- Jhanipur (Phulwarishariff), District- Patna
... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Police Department,
Govt. of Bihar, Patna.
2. Principal Secretary, Home, Police Department, Government of Bihar, Patna.
3. Divisional Commissioner, Patna.
4. District Magistrate, Patna.
5. Senior Superintendent of Police, Patna.
6. S.H.O., Jhanipur, Police Station, District- Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Parasmani, Advocate Mr. Deepak Kumar, Advocate
For the Respondents	:	Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 23-07-2025 We have heard learned counsel for the parties.

2. The petitioner is aggrieved by and dissatisfied with the order dated 13.10.2022 passed in Miscellaneous Appeal No. 212 of 2022 by the Divisional Commissioner, Patna whereby and whereunder he has affirmed the order of the Collector, Patna passed on 15.07.2022 in Case No.-XXXVIII-50/2022 under Section 3 of the Bihar Control of Crime Act, 1981.

3. Learned counsel for the petitioner admits that so far as the effect of the impugned orders is concerned, the



effects have already taken place and the period of three months for which the petitioner was asked to mark his attendance in Pandarak Police Station has expired as back as on 18.10.2022.

4. The grievance of the petitioner at this stage is that in the impugned order, the District Magistrate has made stigmatic statements which are likely to harm the reputation of the petitioner. It is pointed out that while passing the order dated 15.07.2022, the District Magistrate, Patna directed the petitioner to mark his attendance in Pandarak Police Station even though the petitioner is a resident within the jurisdiction of Jhanipur Police Station, Danapur, Patna. This was purposely done in order to harass the petitioner.

5. It is further submitted that the averments made in the impugned order that the petitioner was looking to contest the ensuing Nagar Parishad Election of 2022 and for that reason, he was indulged in threatening the people remain unfounded as the petitioner had duly disclosed in his show cause that he was not an Electorate/voter from the Nagar Parishad, therefore, there was no question of his contesting election of the Nagar Parishad in the year 2022.

6. Mr. Iqbal Asif Niazi, learned AC to GP-5 submits that he is not sure as to why the petitioner was asked to mark his



attendance in Pandarak Police Station but it would be his submission that at this stage, this writ application has become infructuous and so far as the observation with regard to criminal antecedents of the petitioner is concerned, that is only for purpose of justifying the impugned orders and in no way, it may be taken as casting aspersion on the reputation of the petitioner.

7. Having regard to the submissions noted hereinabove and on finding that the impugned orders have already taken effect, therefore, at this stage, this application has become infructuous, we dispose of the present writ application declaring that the writ application has become infructuous, however, the observations made in the impugned orders with regard to the criminal antecedents of the petitioner are confined to justify the impugned orders alone and in future, if any such question would arise for consideration, the same shall be considered independently.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

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