

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.178 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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1. Birendra Mishra, Son of Late Hira Lal Mishra,
 2. Rakesh Kumar Mishra, Son of Late Hira Lal Mishra.
 3. Someshwar Mishra, Son of Late Hira Lal Mishra.
 4. Shailendra Kumar, Son of Late Sheonath Mishra,
All are Resident of Village- Milki, P.S.- Surajpura, P.O. Noaon, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Superintendent Of Police, Rohtas
2. The Superintendent of Police, Rohtas.
3. Sub Divisional Magistrate, Bikramganj, Rohtas.
4. Officer incharge, Bikramganj, Police Station, Dist.- Rohtas.
5. Officer Incharge, P.S.- Surajpura, Dist.- Rohtas.
6. Officer, Incharge, P.S. Dawath , Dist.- Rohtas.
7. Shiv Dayal Mishra, Son of Late Hira Lal Mishra.
8. Shanti Mishra, W/o Shiv Dayal Mishra, Both are Resident of Village- Milki, P.S- Surajpura, P.O. Noaon, District- Rohtas.
9. Rajendra Mishra, Son of Late Hira Lal Mishra. Resident of Village- Milki, P.S- Surajpura, P.O. Noaon, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar, Advocate. Ms. Aradhana Tiwari, Advocate. Mr. Akash Deep, Advocate.
For the State	:	Mr. Manish Kumar, G.P.-4
For the Respondent Nos. 7 & 8:	:	Mr. Dineshwar Mishra, Advocate. Miss Ruchi Arya, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

13 07-11-2025 The present writ petition has been preferred for quashing of the order dated 06.11.2017 passed by learned Sessions Judge, Rohtas at Sasaram, in Cr. Revision No. 257 of 2017 whereby the revision filed by the petitioner was dismissed



in limine at the stage of admission itself.

2. After some argument, learned counsel for the petitioner is seeking permission to convert the present petition into Cr. Miscellaneous petition under Section 482 Cr.PC.

3. However, Private Respondent Nos. 7 and 8 oppose the prayer of the petitioner submitting that the present writ petition is not maintainable and it should be dismissed without giving liberty to convert the present petition into a proceeding under Section 482 Cr.PC.

4. This Court is of the view that the present writ petition is not maintainable because this writ petition has been filed against the judicial order against which remedy by way of invoking inherent jurisdiction of this Court is available to the petitioner. As such, the present petition is not maintainable. However, demand of justice is that on the request of the petitioner, this case may be converted into a Proceeding under Section 482 Cr.PC.

5. Permission is accorded.

6. Accordingly, the present petition is converted into a proceedings under Section 482 Cr.PC.

7. Office is directed to do needful correction in the petition and list this matter before roster Bench after obtaining



approval of Hon’ble the Chief Justice.

(Jitendra Kumar, J)

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