

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1882 of 2025

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

Mantu Gope S/O Kosan Ray R/O Vill.- Jaitiya, P.S.- Sonepur, Dist.- Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar, Patna
2. The Divisional Commissioner, Saran At Chapra
3. The Dist. Magistrate, Saran At Chapra
4. The Superintendent of Police, Saran at Chapra
5. The Sub-Divisional Police Officer, Sonepur, Saran

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Thakur, Advocate Mr. Nachiketa Jha, Advocate
For the Respondent/s	:	Mr. Birju Prasad, GP-13 Mrs. Shweta Anand, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 01-09-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner in the present writ application is praying
for the following reliefs:-

“(i) To issue an appropriate order/s, direction/s
including a writ preferably in the nature of
Secretary(*sic*) for quashing the order dated
19.06.2025 passed by the District Magistrate,
Saran at Chapra whereby and whereunder in
Exercise of Powers conferred to him under
section 12(2) of Bihar Control of Crimes Act



2024 has passed the direction order directing that the petitioner shall be detained in Divisional Jail, Chapra and kept in category X and C category.

(ii) To quash the order as contained in letter No.8139 dated 27.06.2025 issued from the office of the respondent No.1 whereby and whereunder the detention order passed by the District Magistrate, Saran at Chapra under section 12(2) of Bihar Control and Crime Act has been approved.

(iii) To direct the respondent No.3 to release the petitioner/detaining hence forthwith.

(iv) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. It appears on perusal of the records that the Superintendent of Police, Saran at Chapra sent a proposal to the District Magistrate, Saran for taking appropriate action against the petitioner under subsection (2) of Section 12 of the Bihar Control of Crimes Act, 2024 (in short ‘BCC Act’). The proposal contained reasons. The petitioner is having criminal antecedent of ten cases which are mentioned in the proposal (Part B). He has been chargesheeted in all those cases. Copy of the charge-sheets submitted by police in some of the cases have also been enclosed with the proposal. It shows that in Sonpur P.S. Case No. 984/2022, the petitioner has been charged for the offences under Sections 364/386/120B/34 of the Indian Penal Code (in



short 'IPC'). In another case being Sonpur P.S. Case No. 217 of 2025 registered on 14.03.2025, the petitioner has been found involved in commission of offences under Sections 126(2), 115(2), 191(1), 191(2), 191(3), 190, 109, 132, 121(1), 121(2), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 37 (B) (C) of the Bihar Prohibition and Excise Act, 2016. The allegation against him is that he had formed an unlawful assembly with 10-12 unknown persons and created hindrance to the police personnel in discharge of their duties, the forces were attacked and attempts were made to snatch their arms.

4. On consideration of the proposal of the Superintendent of Police, Chhapra, the District Magistrate, Chhapra passed an order as contained in Memo No.1422 dated 19.06.2025 (Annexure '3') whereby the petitioner has been restrained and confined in the jail itself.

5. The order of the District Magistrate was placed before the Government whereafter it has also been affirmed by the Government. In this regard, with the counter affidavit, the order of the Government as contained in Memo No. 9455 dated 22.07.2025 has been brought on record. Prior to passing of the said order, the Advisory Board constituted under Section 20 of



the BCC Act, 2024 recorded its opinion saying that sufficient ground exists/cause for detention of the detinue/accused and it has been opined that the same shall be for the period prescribed in the proviso to Section 12(2) of the BCC Act, 2024 i.e. for a period of six months from the date of passing of the order by the District Magistrate, Saran (Chhapra).

6. Learned counsel for the petitioner has argued before this Court that the order of detention was passed even though the petitioner has got bail in all the cases pending against him. According to him, the detaining authority has not properly evaluated the materials placed before it and the sole intention behind passing of the order is to somehow refrain the petitioner from coming out of jail.

7. Learned counsel for the State has supported the impugned orders. It is submitted that the Advisory Board which is a statutory authority/Board under the BCC Act has found sufficient grounds to justify the detention of the petitioner. It is further submitted that no illegality or infirmity may be found in passing of the impugned order by the District Magistrate as he has already taken into consideration the entire facts and circumstances and the kind of accusation pending against the petitioner. The satisfaction of the District Magistrate need not be



interfered with unless it is found to be in violation of principles of natural justice or in conflict with the statutory provisions.

8. Having regard to the submissions noted hereinabove and the materials on the record, we are of the considered opinion that the order passed by the District Magistrate (Annexure ‘3’) contained the reasons and rationale behind the same. The order has been found fit by the Advisory Board and then the same has been confirmed by the Government. In such circumstances, we find no reason to exercise our extraordinary writ jurisdiction to quash the impugned orders.

9. This writ application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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