

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2237 of 2025

Arising Out of PS. Case No.-2 Year-2018 Thana- BHAGWANPUR District- Begusarai

Shiv Kumar Son of Late Ram Pavitra Mahto Resident of village- Basahi,
Ward No. 03, Police Station- Bhagwanpur (Tiyai O.P.), District- Begusarai,
Bihar, Pin Code- 851133.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Director General of Police, Government of Bihar, Patna. Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Begusarai.
4. The Deputy Superintendent of Police, Teghra, District- Begusarai.
5. The Inspector of Police, Teghra, District Begusarai.
6. The Officer in Charge of Bhagwanpur Police Station, District Begusarai (Bihar).
7. The Investigating Police Officer of Bhagwanpur Police Station Case No. 02 of 2018 dated 04.01.2018.
8. Vijay Kumar Son of Ram Bahadur Mahto Resident of village- Basahi, Police Station- Bhagwanpur, (Teyai O.P.) District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jnanchandra Bhardwaj, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-11-2025 The present writ petition has been filed seeking
following relief(s):-

*"(i) For issuance of writ of Certiorari
quashing the FIR of Bhagwanpur (Begusarai)
P.S. Case No. 02 of 2018 dated 04.01.2018,
under Section 147, 149, 341, 323, 385, 379,
307, 427, 504, 506 IPC.*

*(ii) For issuance of writ of certiorari
quashing the Charge Sheet No. 65 of 2019 dated
29.05.2019 of Bhagwanpur P.S. Case No. 02 of*



2018 dated 04.01.2018.

(iii) For issuance of writ of Certiorari quashing the cognizance order dated 29.01.2020 under Section 341, 323, 427, 504, 506, 34 IPC against the accused persons (1) Sanjiv Kumar @ Tinku, (2) Shiv Kumar (Petitioner) (3) Ram Sobha Prakash (4) Sashi Bhushan Mahto (5) Balwant Kumar (6) Silwant Kumar passed in Bhagwanpur P.S. Cse No. 02 of 2018 (Annexure-1) corresponding to G R No. 45/18 by the learned Chief Judicial Magistrate, Begusarai, substance of accusation dated 25.03.2021 under Section 323, 341, 504, 427, 506, 34 IPC explained to the accused persons named above by the Judicial Magistrate, Begusarai and entire judicial proceeding upto 23.07.2025 including examination of prosecution witnesses dated 16.07.2025 passed by the learned Additional District & Session Judge III, Begusarai."

2. The Hon'ble Supreme Court in the case of **Neeta Singh & Ors. Vs. State of Uttar Pradesh & Ors.** in Special Leave to Appeal (Crl.) No. 13578 of 2024 and **Pradnya Pranjal Kulkarni Vs. State of Maharashtra & Anr.** in Special Leave to Appeal (Crl.) No. 13424 of 2025 has observed that once cognizance has been taken, this Court cannot proceed in the matter under Article 226 of the Constitution of India as the remedy lies under Section 528 of BNSS, 2023 (earlier Section 482 of Cr.P.C.).



3. Faced with the situation, learned counsel for the petitioner seeks permission to convert the present petition into Criminal Miscellaneous Petition under Section 528 of BNSS, 2023.

4. Permission is accorded.

5. Learned counsel for the petitioner is directed to convert the present petition into Criminal Miscellaneous Petition within two weeks.

6. Office is directed to extend all cooperation towards conversion.

(Arun Kumar Jha, J)

DKS/-

U			
---	--	--	--

