

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2528 of 2025

Arising Out of PS. Case No.-129 Year-2023 Thana- SURSAND District- Sitamarhi

Md. Shahab S/o Late Md. Sultan Resident of Bakarpur, P.S.- Mufrasil,
District- Munger, presently posted as Constable, PTC-30, Nagar Police
Station, Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna Bihar
2. The Director General of Police, Govt. of Bihar, Patna Bihar
3. The Superintendent of Police, Vigilance, Muzaffarpur Bihar
4. The Superintendent of Police, Sitamarhi Bihar
5. The Sub-divisional Police Officer, Sitamarhi Sadar, District- Sitamarhi Bihar
6. The Deputy Superintendent of Police, Headquarter- 02, Police Office, Sitamarhi Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Adv.
For the Respondent/s	:	Mr. Madhukar Mishra, S.C. 16
For the Vigilance	:	Mr. Arvind Kumar, Spl.P.P., Vigilance

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

i) For issuance of writ in the nature of certiorari for quashing the order vide Memo No. 1488(J) Crime Branch, dated 27.06.2023 issued by the Superintendent of Police, Sitamarhi, respondent no. 4, whereby and whereunder sanction for prosecution was given against the petitioner for the offences Under Sections 7/13 of the Prevention of Corruption Act, 1988 under the provision of Section 197 Cr. P. C. on the basis of the relevant record of Sursand P.S. Case No. 129/2023 dated 13.03.2023, Supervision Note-



cum-Report-2, Production-cum-Seizure List and the Charge Sheet.

ii) For issuance of writ in the nature of certiorari for quashing of the order dated 08.07.2025 passed in Special Case No. 7/23 arising out of Sursand (Sitamarhi) P.S. Case No. 129/23 by which cognizance was taken against the petitioner Under Section 7/13 of Prevention of Corruption Act, 1988 by the learned Special Judge, Vigilance North Bihar, Muzaffarpur in Special Case No. 7/2023.

iii) For issuance of writ in the nature of mandamus for direction directing the respondents to provide all the official letters or the substantial enquiry made on the point of video sent on the official mobile of the informant of Sursand P.S. Case No. 129/2023 specially with regard to the name and details of the sender of the video and other relevant materials collected in the light of the letter vide D.R. No. 313 dated 22.04.2023 issued by the informant of this case to the Superintendent of Police, Sitamarhi and the official of the Technical Branch to trace out the same.

iv) For any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

02. Vide order dated 08.07.2025, cognizance under Section 7/13 of the Prevention of Corruption Act, 1988 has been taken against the petitioner in Special Case No. 7/23 arising out of Sursand(Sitamarhi) P.S. Case No. 129 of 2023 by the learned Special Judge, Vigilance, North Bihar, Muzaffarpur. Hon’ble Supreme Court in the case of ***Neeta Singh & Ors. Vs. State of Uttar Pradesh & Ors.*** in Special Leave Petition (Crl. A. No.



13578 of 2024) and *Pradnya Pranjal Kulkarni Vs. State Of Maharashtra & Anr* in Special Leave to Appeal (Crl.) No.13424/2025, has held that judicial orders are not amenable to writ jurisdiction under Article 226 of the Constitution and once cognizance has been taken by the trial court, this Court cannot proceed with the writ petition under Article 226 of the Constitution as the remedy lies under Section 528 of the BNSS, 2023.

03. Faced with the situation, the learned counsel for the petitioner seeks permission to convert the present petition into a petition under Section 528 of the BNSS.

04. Permission is accorded.

05. Learned counsel for the petitioner is directed to convert the present petition into a petition under Section 528 of the BNSS within two weeks.

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

(Arun Kumar Jha, J)

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