

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2485 of 2025

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

Santosh Yadav @ Gabbar Yadav @ Santosh Kumar, Son of Surendra Yadav
@ Bhola Yadav @ Surendra Singh, Resident of Village- Tendua, P.S.-
Jamhore, Dist- Aurangabad

... .. Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar Patna
3. The District Magistrate-cum-collector, Aurangabad
4. The Senior Superintendent of Police Aurangabad
5. The Superintendent of Police, Aurangabad
6. The Dy. Superintendent of Police, Aurangabad
7. The Sub-Divisional Police Officer, Sadar Aurangabad
8. The Station Head Officer, Jamhore Police Station, Aurangabad

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the Respondent/s : Mr. Manish Kumar, G.P.4

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

5 04-11-2025 Heard learned counsel for the petitioner and learned
GP-4 for the State Respondents.

2. A supplementary counter affidavit has been filed on
behalf of the respondent today.

3. The petitioner in this case is aggrieved by and
dissatisfied with the order dated 27.06.2025 passed by the District
Magistrate, Aurangabad in exercise of its power under Section 3 of
the Bihar Crime Control Act, 1981 (hereinafter referred to as the



‘BCC Act’). By the impugned order, the District Magistrate, Aurangabad has directed the petitioner to mark his presence in Goh Police Station everyday from 02.07.2025 to 25.11.2025.

4. While hearing the writ application on 19.09.2025, this Court noticed the submissions of learned counsel for the petitioner and while granting time to the District Magistrate, Aurangabad to file a counter affidavit, *prima-facie*, observed that the show cause filed by the petitioner had not been duly examined by the District Magistrate, Aurangabad.

5. It transpired from the supplementary counter affidavit of the State that the petitioner is an accused in one more case i.e. Jamhour P.S. Case No. 78 of 2024 dated 02.05.2024 for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In this case also, the petitioner has been chargesheeted. In fact, in his report sent to the District Magistrate, Aurangabad, the Superintendent of Police, Aurangabad has mentioned about only two cases. We have noticed that the petitioner while filing the writ application has also not disclosed about the third case. In such circumstance, we find that the petitioner has not approached this Court with clean hand. At the same time, we have noticed that the District Magistrate, Aurangabad has rejected the show cause of the



petitioner for the reason that the petitioner had not submitted any order showing grant of bail to the petitioner in the cases lodged against him.

6. Learned counsel for the petitioner has submitted that the petitioner is on bail in all the cases. The copy of the order showing grant of bail to the petitioner in the third case has also been produced before this Court. The same is kept on the record.

7. Having regard to the entire materials available on the record, this Court is of the considered opinion that the impugned order passed by the District Magistrate, Aurangabad may be modified to the extent that the petitioner shall continue to mark his attendance in Jamhour Police Station till 25.11.2025. As ordered earlier by this Court, he would mark his attendance once every week on Sunday between 11:00 AM-12:00 PM at the police station. Thereafter, he will not be required to stay in the police station.

8. With the aforesaid modification in the impugned order, the writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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