

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2212 of 2024

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

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Sunil Kumar Tiwari @ Sunil Kumar @ Guddu Tiwari, son of Narendra Tiwari, resident of Village- Banarpur, P.S.- Buxar (Muffasil), Dist.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar
2. Principal Secretary, Home Department, New Secretariat, Bailey Road, Patna Bihar
3. Commissioner, Patna Division, Patna
4. The Senior Superintendent of Police, Buxar
5. District Magistrate, District- Buxar
6. Sub-Divisional Officer, District- Buxar
7. Officer-in-Charge, P.S-Buxar Muffasil, District- Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate Mr. Abhishek Kumar, Advocate Ms. Prity Kumari, Advocate Mr. Sharda Raje Singh, Advocate Mr. Ankesh Bibhu, Advocate
For the Respondent/s	:	Mr. Dhurendra Kumar, AC to G.P-.5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
And
HONOURABLE MR. JUSTICE S. B. PD. SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)

Date : 07-02-2025

In the instant petition, the petitioner has

prayed for the following reliefs:-

“ i) For Quashing of Order dated: 02.08.2024 issued vide Memo No. 463 Dated: 12.08.2024 passed by Respondent District Magistrate, Buxar under Section 3 of Bihar Control of Crimes Act, 2024 in BCCA Case No. 25/2024-25, whereby and whereunder District Magistrate, Buxar, directed the petitioner to present and mark daily attendance at Dumraon Police Station from 16.08.2024 to 15.09.2024 at 10 A.M to 4 P.M, and failing which petitioner may be arrested and in the condition of violation of Order a penalty of Rs. 2,00,000/- may be imposed to the petitioner.

ii) For declaring and holding that the petitioner not being an "Anti Social Element" as defined under section 2(b) of the Bihar Control of Crimes Act, 2024, as the petitioner is not a veteran criminal rather petitioner is a farmer whose land is being acquired by the District Administration for Chausha Power Plant and petitioner's father namely Sri Narendra Tiwari is actively leading the protest made against the land acquisition

and the name of petitioner is roped by respondent District Magistrate, Buxar, in different criminal cases and under Bihar Control of Crime Act, 2024 only to create pressure on the petitioner's father to withdraw the agitation.

iii) For issuance of writ in the nature of Mandamus directing the respondent authority especially respondent Nos. 1 to 2 to conduct an enquiry pertaining to the criminal history of the petitioner, as the petitioner is not a criminal rather the petitioner is a farmer who participated in the protest with other villagers against the construction of Chausha Power Plant at the agricultural land of petitioner's and other villagers.

iv) For grant of stay oo order 02.08.2024 issued vide Memo No. 463 Dated: 12.08.2024 passed by respondent District Magistrate, Buxar under Section 3 of Bihar Code of Crime Control Act, 2024, whereby and whereunder the petitioner has been directed to make attendance to Dumrao Police station for the entire day and stay of the proceeding during the

pendency of this writ application,

v) For issuance of any other order/orders, as may deem fit and proper, in the facts and circumstances of the case.”

2. It is submitted by learned counsel for the petitioner that in the year 2013, Buxar Bijlee Company was acquired by S.J.V.N Limited. On 17th January, 2013, S.J.V.N Limited signed MOU with Bihar State Power (Holding) Company Limited and Bihar Power Infrastructure Company Limited for the take-over of Bihar Bijlee Company and development of 1320 MW Buxar plant. Accordingly, the lands of adjacent areas of the project were acquired. In the year 2023, the farmers whose lands were acquired for the plant, initiated a protest outside the plant for inappropriate compensation and they were also protesting for change in the route of Rail Corridor as the present Corridor destroyed the fertile cultivated land of the area. The land of the petitioner was also acquired in the said

project and petitioner along with his father also joined the protest, as a result of which initially, three criminal cases were instituted against the agitators which were numbered as Buxar (Muffasil) P.S. Case No. 520 of 2022, Buxar (Mufassil) P.S. Case No. 522 of 2022 and Buxar (Mufassil) P.S. Case No. 523 of 2022. Due to the protest made by the villagers against the power plant, several other cases were instituted by the police against several villagers and since the petitioner and his father were actively participated in the agitation, they were also made accused in several other cases.

3. In pursuance to the direction of this Court, the respondents have filed their counter affidavits annexing relevant documents. We have perused Annexures-R4 and R5 series of the counter affidavits. From perusal of the material evidence, we do not find any iota of material evidence to suggest that there is an immediate threat to the society on behalf of the

petitioner so as to invoke Section 3 of Bihar Control of Crimes Act, 2024 against him. From the materials available on record, it clearly transpires that land of the petitioner was also acquired for the project and petitioner was also protesting for appropriate compensation against the authority. All the F.I.Rs were registered against the petitioner in between the protest made by the villagers including the petitioner. The materials available on record also suggests that petitioner is not a veteran criminal, so that, he may be directed to mark his attendance from 16.08.2024 to 15.09.2024 before Officer-in-charge, Dumraon Police Station.

4. Be that as it may, since the cause of action arose from 16.08.2024 till 15.09.2024 which has already expired, the present writ petition stands disposed of as it has become infructuous.

5. Accordingly, the present writ petition

stands disposed of as it has become infructuous.

(S. B. Pd. Singh, J)

(P. B. Bajanthri, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	26/11/2024
Uploading Date	07/02/2025
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