

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2048 of 2024

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

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Alok Tiwari Son of Mahesh Tiwari Resident of Banarpur, P.S.- Buxar
(Muffasil), Distt.- Buxar

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate Mr. Ankesh Bibhu, Advocate Mr. Abhishek Kumar, Advocate Mr. Prity Kumari, Advocate Ms. Sharda Raje Singh, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, G.A.7

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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. 464
Dated: 12.08.2024 passed by Respondent
District Magistrate, Buxar under Section 3
of Bihar Code of Crime Control Act, 2024
in CCA Case No. 26/2024-25, Whereby
and Where under District Magistrate,
Buxar directed the petitioner to present at
Bagengola Police Station from
16.08.2024 to 15.09.2024 from 10 A.M
to 4 P.M and if the petitioner failed to do
so than the petitioner may be arrested and
in condition of violation of Order a penalty
of Rs. 2,00,000/- may be imposed on 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 was employee of Private
Company and resident of Buxar, whose
land had been get acquired by the District
Administration for Chausha Power Plant
and petitioner's father namely Sri Mahesh
Tiwari is actively leading the protest made
against the land acquisition and the name*

of petitioner 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 specially respondent Nos. 1 to 3 to conduct an enquiry pertaining to 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 stay of order 02.08.2024 issued vide Memo No. 464 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 Bagengola Police station for the entire day and for 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. The petitioner was not named in the aforesaid cases. 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 Annexure- R series as well as Annexures-A,B & C 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, Bagengola.

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	27/11/2024
Uploading Date	07/02/2025
Transmission Date	07/02/2025