

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.168 of 2018

Arising Out of PS. Case No.-4 Year-2015 Thana- C.B.I CASE District- Patna

Ashok Kumar Sinha S/o Late Krishna Mohan Prasad, R/o Krishnavitri, 'D'
Block Kadamkuan, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The Central Bureau Of Investigation through The Deputy Inspector General Of Police, Anti-corruption Bureau, Patna
2. The Superintendent of Police, Central Bureau of Investigation, Economic Offence Wing, Ranchi, Jharkhand

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate Mr. Vikrant Kumar, Advocate
For the CBI	:	Mr. Anand Kumar Ojha, Sr. Advocate Mr. Shivaditya Sinha, Advocate Mr. Abhishek Roy, Advocate
Amici Curiae	:	Mr. Ajay Kumar Thakur, Advocate Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

10 11-12-2025 The present writ petition has been preferred against the impugned order dated 29.11.2017 passed by learned Special Judge, C.B.I.-1, Patna in Special Case No. 06 of 2015, arising out of RC Case No. 04A of 2015, whereby petition of the petitioner under Section 205 of Cr.PC has been rejected by learned Special Judge.

2. This case is at the stage of admission.

3. Heard learned counsel for the petitioner and Mr. Shivaditya Sinha, learned Sr. Counsel for the CBI as well as Mr. Ajay Kumar Thakur and Mr. Anil Singh, learned Amici Curiae.



4. Learned counsel for the petitioner submits that the writ petition is maintainable against the judicial order dated 29.11.2017.

5. However, learned Senior Counsel for the C.B.I. and learned Amici Curiae submit that this judicial order cannot be challenged in the writ petition. This judicial order is amenable to at most to Section 482 Cr.PC/528 BNSS and petitioner should have preferred the petition under Section 482 Cr.PC/528 BNSS.

6. After such argument, learned counsel for the petitioner gracefully accepts the argument of learned Senior Counsel for the C.B.I. and learned Amici Curiae.

7. Hence, with the consent of both the parties, the present writ petition is disposed of giving liberty to the petitioner to take steps to convert this petition under Section 482 Cr.PC/528 BNSS within two weeks and if the petitioner takes the required steps within stipulated time, office is directed to convert this petition under Section 482 Cr.PC/528 BNSS and list the matter before appropriate Bench after obtaining permission of Hon'ble the Chief Justice.

8. For the sake of clarification, after conversion of this petition into Miscellaneous Petition under Section 482 Cr.PC/528 BNSS, all the interim orders would go automatically.



The petitioner is at liberty to pray before the new Bench for any interim order.

9. By way of honorarium, Patna High Court Legal Services Committee is directed to pay Rs.7000/- each to both learned Amici Curiae, namely, Mr. Ajay Kumar Thakur and Mr. Anil Singh.

10. Office is directed to send a copy of this order to Patna High Court Legal Services Committee for information and needful.

(Jitendra Kumar, J.)

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