

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83745 of 2024**

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

Umesh Kumar Singh, S/o Late Kedar Singh, R/o Sakin Mohanpur, Punaichak,  
Near Pump House, P.S.- Shastrinagar, Distt.- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Sub-Divisional Magistrate, Patna Sadar, Patna (Bihar)
3. Ajay Kumar, S/o Hari Rai, R/o Mohanpur, Punaichak, P.S. - Shastri Nagar,  
Distt.- Patna (Bihar).

... .. Opposite Parties

**Appearance :**

|                            |   |                                                                                                                      |
|----------------------------|---|----------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Jitendra Prasad Singh, Senior Advocate<br>Mr. Prabhat Kumar Dipak, Advocate<br>Mr. Varun Krishna Singh, Advocate |
| For the Opposite Party/s : |   | Dr. Ajeet Kumar, APP                                                                                                 |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      18-06-2025                      Heard learned senior counsel appearing for the  
  
petitioner.

2. It is submitted Mr. Jitendra Prasad Singh, learned  
  
senior counsel that the initiation of proceeding under Section  
  
147 of the Code of Criminal Procedure (in short ‘CrPC’)/166 of  
  
the Bhartiya Nagrik Suraksha Sanhita (in short ‘BNSS’) is bad in  
  
eye of law, as same was initiated on the basis of police report as  
  
called for while initiating a proceeding under Section 144 of the  
  
CrPC. It is submitted that a report under Section 148 of the  
  
CrPC/under Section 167 of the BNSS was not called for before



initiation of proceeding and, therefore, the present proceeding is not maintainable.

3. Primarily, this Court is not convinced with the argument as advanced for the reason that there is no such bar for initiation of proceeding under Section 147 of the CrPC/under Section 166 of the BNSS on the basis of police report as called for initiation of proceeding under Section 144 of the CrPC.

4. However, the petitioner may raise issue regarding its maintainability before the learned trial court itself.

5. The learned S.D.M., Patna Sadar is directed to call for a report under Section 148 of the CrPC/under Section 167 of the BNSS *qua* local inquiry for better appreciation of factual aspects before passing any order. The learned trial court is further directed to conclude the proceeding within two months of this order.

6. With aforesaid observations, the present petition stands disposed of.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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