

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3109 of 2025

Arising Out of PS. Case No.-414 Year-2025 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

Vivek Kumar Son of Subhash Kr. Bhagat Resident of Village- Jayrampur
Ward No-10, Murliganj, P.S. and P.O.- Murliganj, District-Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the D.G.P. Bihar, Patna Bihar
2. Economic Offence Unit, Rajbanshi Nagar, Patna Bihar
3. CBI Patna
4. Superintendent of Police, District- Madhepura Bihar
5. SHO Murliganj Thana, District- Madhepura Bihar
6. Sanjay Bhagat S/o- Fuleshwar Bhagat R/o- Ward No-10, Jayrampur, PO and PS.-Murliganj, District- Madhepura, Bihar.
7. Ajay Bhagat S/o- Fuleshwar Bhagat Resident of Ward No- 10, Jayrampur, PO and PS-Murliganj, District- Madhepura, Bihar.
8. Binod Yadav S/o not known Resident of Ward No- 10, Jayrampur, PO and PS-Murliganj, District- Madhepura, Bihar.
9. Anil Bhagat S/o- Fuleshwar Bhagat Resident of Ward No-10, Jayrampur, PO and PS-Murliganj, District- Madhepura, Bihar.
10. Raj Kumar Bhagat S/o- Panna Lal Bhagat Resident of Ward No.-10, Jayrampur, P.O. and P.S.-Murliganj, District- Madhepura, Bihar.
11. Khushboo Kumari S/o- Subhash Kumar Bhagat Resident of Ward No.-10, Jayrampur, P.O. and P.S.-Murliganj, District- Madhepura, Bihar.
12. Shubahsh Kumar S/o Ram Chandra Mandal Resident of Ward No.-10, Jayrampur, P.O. and P.S.-Murliganj, District- Madhepura, Bihar.
13. Shambhu Dharkar Son of not known Resident of Ward No.-9, Durga Asthan Chowk, P.O. and P.S.- Murliganj, District-Madhepura, Bihar.
14. Bijan Mukhiya S/o not known Resident of Ward No.-10, Jayrampur, P.O. and P.S.-Murliganj, District- Madhepura, Bihar
15. Hira Lal Mandal S/o not known Resident of Ward No.- 5, Jayrampur, P.O. and P.S.- Murliganj, District- Madhepura, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vivek Kumar (Petitioner in person)
For the State	:	Mr. G.A 2
For UOI	:	Mr. Satyabir Bharti, Sr. Advocate Sr. CGC Mrs. Kalpana, CGC



For EOU : Mr. Vishwanath Prasad Singh, Sr. Advocate
Mr. Vijay Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-12-2025 The present writ petition has been filed seeking
following relief(s):-

"(i) For issuance of appropriate writ in commanding the Respondent authorities to proper investigation to district court, Madhepura, Complain Case No- 414/2025 which instituted under section 115(2), 305, 308(2), 308(4), 61(2) and 108, 109, 303, 111, 316, 218 of BNSS.

(ii) For a direction to the concern authorities to disposed of the representations filed by the petitioner.

(iii) For issuance of any other writ/writs, direction/directions, order/orders to which the petitioner is entitled in the ends of justice."

2. Heard the petitioner in person.

3. From the typed copy of the order sheet annexed with the petition, it appears that the complaint case of the petitioner was transferred to the court of Sri Subodh Kumar, learned Judicial Magistrate, Ist Class, Madhepura vide order dated 17.09.2025 for enquiry and further proceeding under Section 212 of B.N.S.S. Thereafter, it appears the case record



was received in the court of learned Judicial Magistrate on 23.09.2025. The petitioner/complainant appeared before the court concerned on 24.09.2025 and matter was fixed for 10.11.2025 for statement on oath.

4. The petitioner submits before this Court that he was orally told to approach police station by the learned Judicial Magistrate.

5. The submission made by the petitioner is not believable for the simple reason that the complaint case has already been transferred to the court of learned Judicial Magistrate and the learned Judicial Magistrate is supposed to proceed in the matter for enquiry and trial following the procedure in Chapter XVI of BNSS. From the order sheet dated 24.09.2025, it appears the learned Judicial Magistrate has proceeded under law.

6. Now, the petitioner has approached this Court for making proper investigation by respondent authorities in Complaint Case No. 414 of 2025 which would not be in accordance with the procedure established under the law since for enquiry in complaint cases, certain procedure has been prescribed and the petitioner has approached this Court in a completely misconceived manner.



7. Therefore, I do not find any merit in the present
petition and the same is dismissed.

(Arun Kumar Jha, J)

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