

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 132 of 2020

Arising Out of PS. Case No.-47 Year-2017 Thana- TAJPUR District- Samastipur

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Ankesh Kumar Singh, Son of Ram Sevak Singh, Resident of Village-
Ashrafpur Supaul, P.S.- Patori, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Old Secretariat, Patna. Bihar.
2. The Director General of Police, Patel Bhawan, Bailey Road, Patna.
3. The Superintendent of Police, Samastipur, District- Samastipur.
4. The Thana Incharge, Thana Patori, District- Samastipur.
5. The Thana Incharge, Thana Tajpur, District- Samastipur.
6. Hari Narayan Singh, A.S.I. cum I.O. Tajpur Thana, District- Samastipur. Samastipur.
7. The Registrar General, Patna High Court, Patna.
8. The District and Session Judge, Civil Court, Samastipur, District- Samastipur.
9. The Additional Chief Judicial Magistrate, Civil Court, Samastipur. Samastipur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Chandra Bhushan Verma, Advocate
For the Respondent No. 1 to 5	:	Mr. Anil Kumar, A.C. to S.C.-8
For the Respondent No.6	:	Mr. Shivendra Kumar Sinha, Advocate
For the Respondent No. 7, 8 & 9	:	Ms. Surya Nilambari, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

18 30-01-2026 The present Criminal Writ Petition has been preferred by the Petitioner for the issuance of writ, order or direction to the concerned Respondent Authorities to take action against the Additional Chief Judicial Magistrate, Civil Court Samastipur, for issuance of warrant against the Petitioner as well as the Officer Incharge of Patori Police Station as well as the Officer



Incharge of Tajpur Police Station, who had filed application before learned Additional Chief Judicial Magistrate, Civil Court, Samastipur for warrant against the Petitioner, whereas, this Court had already granted anticipatory bail to the Petitioner on 05.01.2018 and the bail bond was accepted on 23.01.2018 by learned Additional Chief Judicial Magistrate, Civil Court Samastipur. The Petitioner is also seeking Rs.50,00,000/- as compensation on account of illegal detention from 30.07.2018 to 31.07.2018.

2. Heard learned counsel for the Petitioner and learned counsel for the Respondents.

3. Learned counsel for the Petitioner submits that in Tajpur P.S. Case No.47 of 2017, registered for the offence punishable under Section 387 of the Indian Penal Code, the Petitioner had got anticipatory bail vide order dated.05.01.2018, passed by this Court and in pursuance of the anticipatory bail, he submitted his bail bond on 23.01.2018. However, on 30.05.2018, N.B.W was issued against the Petitioner on petition by the police and he was arrested on 30.07.2018 by the police of Patori Police Station and he was released on 31.07.2018. He further submits that there was no reason to issue the N.B.W. against the Petitioner nor was any reason for the police to file



any application for issuance of N.B.W. Hence, the N.B.W. was illegally issued and the police had illegally arrested the Petitioner. Hence, he is not only entitled to get compensation, but even administrative action is required to be taken against the concerned Judicial Officer as well as the Police Official.

4. However, learned counsel for the Respondent No.1 to 5, Mr. Anil Kumar, A.C. to S.C.-8, learned counsel for the Respondent No.6, Mr. Shivendra Kumar Sinha, Advocate and Ms. Surya Nilambari, Advocate, learned counsel for the Respondent No.7, 8 and 9 submit that the said N.B.W. issued against the Petitioner by the concerned Judicial Officer on 30.05.2018 on petition by the police and the order whereby the N.B.W. was issued against the Petitioner was never challenged by the Petitioner, and hence, the arrest of the Petitioner in pursuance of the said N.B.W., cannot be held to be an illegal detention. If the Petitioner was aggrieved by the N.B.W., he should have preferred appropriate application against the said N.B.W. before competent Court and only after setting aside of the order whereby N.B.W. was issued, the Petitioner could have come to this Court for compensation or any action against the concerned police officer or Judicial Magistrate.

5. I agree with learned counsel for the High Court as well



as learned counsel for the State, in view of the fact that the order whereby N.B.W was issued was never challenged by the Petitioner. Hence, the arrest in pursuance of the said N.B.W. cannot be said to be illegal.

6. Hence, the present petition is dismissed.

7. However, the Petitioner is at liberty to move appropriate application before the competent Court against the order whereby N.B.W. was issued and only, thereafter, he can file any appropriate application as per legal advice.

8. L.C.R be sent back to the concerned Court forthwith.

(Jitendra Kumar, J.)

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