

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.956 of 2026

Arising Out of PS. Case No.-210 Year-2025 Thana- Chitragupta Nagar District- Patna

Ravi Kumar @ Nishant Kumar S/o Lalan Singh @ Lalan Mahto @ Keshav
Mahto R/o Munna Chak, Near Commerce College, Road No. 17, P.S.-
Chitragupt Nagar, District- Patna

... .. Petitioner

Versus

1. The State of Bihar through Addl. Chief Secretary Dept. of Home Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Prison, Bihar
4. The Senior Superintendent of Police, Patna
5. The Station House Officer, Chitragupt Nagar, PS-Patna

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sunil Pathak, Advocate
For the Respondents	:	Mr. P.N. Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 06-05-2026 Heard learned counsel for the petitioner and learned
AC to AG for the State of Bihar.

2. This writ application has been filed for issuance of
a writ in the nature of Habeas Corpus for a direction upon the
Respondent Authorities to release the petitioner from illegal
custody/ detention in relation to Chitragupt Nagar P.S. Case No.
210 of 2025.

3. Learned counsel for the petitioner submits that the
petitioner is a named accused in Chitragupt Nagar P.S. Case No.



210 of 2025 dated 11.09.2025 registered for the offences punishable under Section 103(1), 3(5) of Bharatiya Nyaya Sanhita (in short 'BNS') and Section 27 of the Arms Act. The grievance of the petitioner is that he was taken into custody by the I.O. in connection with the said case on 08.10.2025 in a most mechanical and arbitrary manner. It is submitted that the petitioner was arrested by police as per arrest memo dated 07.10.2025 and was forwarded to the court for judicial remand on 08.10.2025 which will appear from the signature of the SHO of Chitragupt Nagar Police Station but the learned Judicial Magistrate has put his signature granting permission on 07.10.2025 itself.

4. The submission is that the arrest memo prepared by the police on 07.10.2025 is in violation of Section 47 of the Bharatiya Nyaya Suraksha Sanhita (in short 'BNSS'). The mandate of Section 47 of the BNSS is to provide the grounds for arrest to the accused in proper written format but the same has not been followed. Annexure 'P/3' is the arrest memo placed before this Court.

5. Relying upon the judgment of the Hon'ble Supreme Court in the case of **Mihir Rajesh Sah versus State of Maharashtra and Ors.** reported in (2026) 1 SCC 500, learned



counsel submits that non-supply of the grounds of arrest to the petitioner would render his custody illegal.

6. On the other hand, Mr. P.N. Sharma, learned AC to AG submits that in this case, the petitioner is a named accused alleged to be involved in the murder of the husband of the informant. He was arrested by police on 07.10.2025 which would be evident from Annexure 'P/3'. The arrest memo contains a statement in paragraph '7' that the arrestee has been informed of the reasons and his legal rights at the time of his arrest. Information has also been given to one Renu Kumari who has been described as the wife of the petitioner. Referring to the paragraphs '11' and '13' of the arrest memo, it is submitted that in paragraph '11', said Renu Kumari has put her signature whereas in paragraph '13', the petitioner has himself put his signature.

7. It is further submitted that after the arrest, he was produced before the learned Magistrate it would, however, appear that there was some mistake in putting the date by the SHO on the arrest memo as well as the forwarding letter. The learned Magistrate before whom the petitioner was produced, having himself satisfied with the materials placed before him granted remand of the petitioner in police custody for purpose of



investigation. The memo of forwarding would show that at the instance of the petitioner, firearm and cartridges were also recovered.

8. It is further submitted that since his arrest and 1st production before the learned Magistrate, the petitioner never raised any issue of non-supply of grounds of arrest. In the writ application also, he has not made any statement either that he was not produced before the learned Magistrate on 07.10.2025 or that after his production before the learned Magistrate, he ever raised the ground of non-supply of written grounds before the learned Magistrate. It is submitted that in this case, the remand has been given on the request of the SHO who submitted Annexure 'P/2' before the learned Additional Chief Judicial Magistrate, 1st Class, Civil Court, Patna.

9. This writ application does not contain any statement whether after his remand, the petitioner has moved for bail or not. Prayer has been made to refuse to entertain the writ application as in the garb of the writ in the nature of Habeas Corpus, the petitioner is trying to assail the order of remand which is not available on the record.

10. Having heard learned counsel for the petitioner and learned AC to AG as also on perusal of the records, this



Court is of the considered opinion that in the facts of the present case where the petitioner is a named accused in a murder case, he has been arrested by the SHO of the Police Station and at his instance, arms and cartridges are said to have been recovered, a writ in the nature of Habeas Corpus may not be entertained. From the averments made in the writ application, it is evident that in the garb of writ application, the petitioner is challenging the order of remand. The petitioner is in judicial custody by virtue of an order of the competent court, the said order has not been brought before the Court but the petitioner is in fact trying to come out of the said order by filing this writ application. This Court is sitting in it's plenary jurisdiction under Article 226 of the Constitution of India. Every case has it's own facts.

11. In the facts of the present case, this Court is not inclined to entertain the writ application as framed. It is dismissed.

12. The petitioner may seek his remedy, if any, available to him in accordance with law.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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