

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1994 of 2025

Arising Out of PS. Case No.-673 Year-2022 Thana- TURKAULIYA District- East
Champaran

Ram Sagar Kumar S/o Rameshwar Ram Resident Of Village Mathurapur, Ps.
Turkauliya, Distt- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Secretary, Home Department, Bihar, Patna
BIHAR. Bihar
3. The Director General of Police, Bihar, Patna Bihar, Patna. Bihar
4. The Inspector General of Police, Tirhut Range, Muzaffarpur Muzaffarpur
Bihar
5. The Deputy Inspector General of Police, East Champaran at Motihari E
Champaran. Bihar
6. The Senior Superintendent of Police, East Champaran at Motihari Eat
Champaran. Bihar
7. The Deputy Superintendent of Police, Sadar Motihari, District-East
Champaran East Champaran. Bihar
8. The Station House Officer, Turkauliya P.S., District-East Champaran East
Champaran. Bihar
9. Sugga Kumari Daughter of Sri Shambhu Ram Resident of Village-
Mathurapur, P.S.- Turkauliya, District- East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Aditya Pandey, Advocate
For the Respondent/s : Ms. Vijaya Laxmi Srivastava, AC to SC-23

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-02-2026 Learned counsel for the petitioner submits that in terms of the order dated 19.12.2025 of the learned Co-ordinate Bench, a joint supplementary affidavit was to be filed by the petitioner after getting married to the victim, but the same could not be filed as the petitioner was required to surrender after the expiry of period of provisional bail and therefore, the individual affidavits of the petitioner as well as wife have been filed



regarding factum of solemnization of marriage between them.

2. Learned counsel for the petitioner further submits that the petitioner surrendered before the learned trial court on 31.01.2026 and since then he is in custody. Learned counsel also submits that in the light of compromise and solemnization of marriage, Turkaulia P.S. Case No. 673 of 2022, registered for the offences under Sections 363, 366, 376, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act may be quashed. Learned counsel further submits that the evidence of prosecution witnesses have been recorded before the learned trial court and the matter has kept pending by the learned trial court for the statement of the family members of the victim.

3. Since the trial has commenced before the learned trial court and prosecution evidence has been recorded, this Court in its writ jurisdiction under Article 226 of the Constitution cannot intervene in the matter as it has been held in catena of decisions that once cognizance has been taken, the writ court cannot invoke its jurisdiction. Therefore, the remedy for the petitioner is to approach this Court in inherent jurisdiction under Section 482 of the CrPC/528 of BNSS and not under writ jurisdiction of this Court due to the fact that cognizance has already been taken and the matter has reached



the stage of recording of prosecution evidence.

4. At this stage, learned counsel for the petitioner seeks permission to convert the present writ petition into an appropriate proceeding.

5. Prayer is allowed.

6. Learned counsel for the petitioner is directed to convert the present writ petition into criminal miscellaneous petition under Section 482 of CrPC/528 of BNSS, within four weeks.

7. Office is directed to extend all cooperation towards conversion.

(Arun Kumar Jha, J)

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