

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1782 of 2024

Arising Out of PS. Case No.-430 Year-2021 Thana- HARSIDHI District- East Champaran

Pramod Prasad Son of Sitaram Mahto Village -Yadopur PS -Harsidhi District
-East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar Through The Director General of Police, Bihar, Patna
Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar, Advocate Mr. Abhishek Mani, Advocate
For the Respondent/s	:	Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-01-2026 The present writ petition has been filed seeking
following relief(s):-

"(a) For issuance of an appropriate writ, order or direction in the nature of writ of certiorari for quashing the F.I.R. being Harsiddhi P.S. Case No. 430/2021 instituted for the offences punishable under sections 420, 467, 468, 471, 379, 427/341 I.P.C. and is pending in the court of C.J.M. East Champaran as the contents of the impugned F.I.R. even if accepted to be correct do not disclose or constitute any offence much less the offences for which the same has been instituted in terms of the law laid down by the judgment of the Hon'ble Apex Court in the case of Mohd. Ibrahim Vs. State of



Bihar, (2009) 8 SCC 751.

(b) For issuance of an appropriate writ, order or direction in the nature of writ of certiorari for quashing the F.I.R. being Harsiddhi P.S. Case No. 430/2021 in the court of C.J.M. East Champaran, whereby and whereunder the police after investigation have found the allegation against the petitioner and one other true for the offences punishable under Sections 420, 467, 468, 471, 379, 427/341 I.P.C. notwithstanding the fact that even if the entire prosecution story is accepted to be correct the same does not disclose or constitute any offences in terms of the law laid down by the Judgment of the Hon'ble Apex Court in the case of Mohd. Ibrahim Vs. State of Bihar, (2009) 8 SCC 751.

(c) For issuance of an appropriate writ, order or direction in the nature of writ of certiorari for quashing any consequential action/Proceeding including issue of order of cognizance under Section 190 C.R.P.C. which may be passed adversely affecting the petitioner during the pendency of the instant writ application in terms of the law laid down by the Hon'ble Supreme Court in Anand Kumar Mahatta Vs. State (NCT of Delhi) since reported in (2019) 11 SCC 706.

(d) For issuance of such other writ, orders



or directions, which this Hon'ble Court may deem fit and proper in facts and circumstances of the instant case and to mould the reliefs to which the petitioner may found entitled to."

2. Learned counsel for the petitioner, on query, submits that the cognizance has been taken in connection with Harsidhi P.S. Case No. 430 of 2021.

3. Since cognizance has been taken in the present matter, the writ petition does not remain maintainable. The Hon'ble Supreme Court, in the cases of ***Neeta Singh & Ors. Vs. State of Uttar Pradesh & Ors.*** in Special Leave to Appeal (Crl.) No. 13578 of 2024 and ***Pradnya Pranjal Kulkarni Vs. State of Maharashtra & Anr.*** in Special Leave to Appeal (Crl.) No. 13424 of 2025, has held that against a judicial order no writ petition is maintainable under Article 226 of the Constitution of India. Therefore, the relief sought by the petitioner could not be granted in the present writ petition as judicial orders are not amenable to challenge under Article 226 of the Constitution of India.

4. At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to have recourse of law in appropriate proceeding before appropriate forum.



5. Permission is accorded.

6. Accordingly, the present petition is dismissed as
withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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