

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.86 of 2026

Arising Out of PS. Case No.-224 Year-2025 Thana- RAJAON District- Banka

Rajiv Singh, S/O Vijay singh Resident of village- Vishnupur, PS- Nawada
Bazar OP, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna Bihar
2. Principal Secretary, Home Dept, Govt of Bihar, Patna Bihar
3. Director General of Police, Govt of Bihar, Patna Bihar
4. The District Magistrate, Bhagalpur Bihar
5. The D.I.G., Banka, Distt-Bhagalpur Bihar
6. The Superintendent of Police, Banka Bihar
7. The SHO, Rajaoun Police Station, Distt-Banka Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Swapnil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, S.C.3
		Ms. Bittu Kumari, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-06-2026 The petitioner has approached this Court under Articles 226 & 227 of the Constitution of India seeking quashing of charge sheet no. 122/2025 dated 30.06.2025 filed in connection with Rajoun (Nawada OP) P.S. Case No. 224/2025 so far as it relates to the petitioner. However, upon query being made by this Court about the present stage of the case, the learned counsel for the petitioner submits that cognizance has already been taken in the matter by the learned concerned Judicial Magistrate.



02. Apparently, the petitioner has approached this Court seeking quashing of charge sheet upon which judicial order in the form of cognizance has been passed, hence, the petitioner is assailing a judicial order in writ jurisdiction under Articles 226 and 227 of the Constitution of India.

03. The Hon'ble Supreme Court in the case of *Neeta Singh & Ors. Vs. State of Uttar Pradesh & Ors.*, reported in *2024 SCC OnLine 5761* and *Pradnya Pranjali Kulkarni Vs. State Of Maharashtra & Anr*, reported in *2025 SCC OnLine SC 1948*, has held that judicial orders are not amenable to writ jurisdiction under Article 226 of the Constitution of India, though the same may be challenged under Article 227 of the Constitution or Section 528 of BNSS. So far as filing of the present writ petition under Article 227 of the Constitution of India is concerned, the Hon'ble Supreme Court in the case of *Shalini Shyam Shetty Vs. Rajendra Shankar Patil*, (2010) 8 SCC 329 has also made it clear that under Article 227 of the Constitution of India no writ could be entertained. So, criminal writ petition under Articles 226 and 227 of the Constitution against a judicial order would not lie. Further, Part A Chapter XII Rule 3 Sub Rule (iii) and (v) of Patna High Court Rules provides for filing a petition under Article 227 of the



Constitution of India as criminal miscellaneous petition and the said roster of criminal miscellaneous petition under Article 227 of the Constitution of India has not been assigned to this Bench.

04. Faced with the situation, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to have recourse of law in appropriate proceeding before the appropriate forum.

05. Prayer is allowed.

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

(Arun Kumar Jha, J)

V.K.Pandey/-

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