

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1100 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- DIDARGANJ District- Patna

Param Kumar Son of Arjun Ravidas Resident of village - Nisarpura, P.S.-
Parsabazar, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar through District Magistrate, Patna.
2. Home Secretary, Government of Bihar, Patna.
3. Director General of Police, Bihar, Patna.
4. Inspector General of Police, Patna Zone, Patna.
5. Senior Superintendent of Police, Patna.
6. Superintendent of Police Patna, Rural East.
7. Sub-Divisional Police Officer, Patna City.
8. S.H.O., Didarganj Police Station, Patna.
9. Arvind Kumar Son of Mahendra Pandit Resident of village - Madhopur, P.S.
- Didarganj, District - Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Advocate
For the Respondent/s : Mr. Kumar Shanu, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within one week.

Mr. Indradeo Prasad, learned counsel for the petitioner submits that in this case, he is challenging the order dated 09.07.2022 passed by learned A.C.J.M.-IV, Patna City on the ground inter alia that the learned Magistrate has acted absolutely in mechanical manner and the order passed by him is without jurisdiction. Relying upon the judgment of the Hon'ble



Supreme Court in the case of **Gautam Navlakha versus National Investigation Agency** reported in **2021 SCC Online SC 382**, learned counsel points out that the Hon'ble Apex Court has held that a writ of Habeas Corpus would lie where the order prima-facie shows that it is without jurisdiction or has been passed in an absolutely mechanical manner.

Considering the above, this Court agrees with the submission of learned counsel for the petitioner that it would be just and proper to place the matter before the Hon'ble Division Bench.

Let the records be placed before Hon'ble the Chief Justice for an appropriate direction.

(Rajeev Ranjan Prasad, J)

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