

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2415 of 2025

Arising Out of PS. Case No.-558 Year-2025 Thana- RUPASPUR District- Patna

In- Re in the matter of assault on the Advocate Shri Anshul Aryan Son of Late Om Prakash Pandey Resident of Village- Near Rama Prakash Sarika Apartment, Priyadarshi Nagar, Ps- Danapur, Patna -801503

... .. Petitioner

Versus

1. The State of Bihar Through the Director General of Police Bihar, Patna Bihar
2. The Senior Superintendent of Police, Patna, Bihar
3. The SHO, Rupaspur Police Station, Patna, Bihar

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Shailendra Kumar Singh, Advocate
For the Resp/State	:	Mr. P.K. Shahi, AG
	:	Mr. P.K. Verma, A.A.G. 3
	:	Mr. Suman Kumar Jha, AC to AAG - 3
For SHO, Rupaspur	:	Mr. Ran Vijay Kumar, In-person

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 10-09-2025 We have requested Mr. P.K. Shahi, learned Advocate General to assist in this matter. Issues involved in the present *lis* are that on oral submission of learned senior counsels whether DB - III being Criminal Application and Motion Bench, with the following roster *viz.* Group 4 - i) Civil Review (DB) other than Tied up, Group 8 - ii) Relating to all direct and Indirect Taxation etc. (Excise, Income tax, central taxation etc)- Central Statutes, Group 9 - iii) State Taxation matters, M.V. (Taxation)- Orders,



Admission & Hearing, Group 36 - iv) Supreme Court Appeals, **Group 41 - v) Cr. Appeal (DB) and All I.A.s, vi) Cr. Appeal (DB) Hearing Matter from year 2023 onwards**, Group 56 - vii) Govt. Appeal (DB), **Group 53 -viii) Cr. WJC (DB)-BCC Act & Habeas Corpus, Group 58 - ix) Original Cr. Misc (DB)**, x) Specially Assigned matters, can entertain other than roster. *Prima facie* subject matter of the present *lis* is to issue certain directions to police authorities to conduct fair investigation and this subject is not assigned to DB – III, in this context issues are whether *suo motu* judicial notice could be taken and seeking formal approval of the Acting Chief Justice on administrative side is correct or not? Grievance in this matter is not crystal clear for the reasons that there is no application as to what is the grievance of the learned Senior Counsel, in such circumstances, whether the present petition could be entertained or not? On these two issues, respective learned counsels are requested to address on the next date of hearing, since, in a High Court, the roster (allocation of cases to different Benches or Judges) is settled by the Hon'ble Chief Justice, who is the master of roster. This principle is well settled in the judiciary. The Hon'ble Supreme Court has repeatedly held like in the cases of *State of Rajasthan vs. Prakash Chand and Others*



reported in (1998) 1 SCC 1, *Campaign for Judicial Accountability and Reforms vs. Union of India and Another* reported in (2018) 1 SCC 196 and *Directorate of Enforcement vs. Bablu Sonkar* in [2024] 159 taxmann.com 354 (SC), that the Chief Justice alone has the authority to constitute Benches and allocate cases. In other words, a Bench of a High Court cannot take up the matter outside the roster allocated to it. Only the Chief Justice has the power to modify or enlarge the roster or assigned additional cases or not?

2. Learned Advocate General is requested to secure instruction relating to updated investigation on the next date of hearing.

3. In the light of Coordinate Bench decision dated 09.09.2025, SHO, Rupaspur Police Station is present. His personal appearance stands dispensed until further orders.

4. Re-list this case on 17.09.2025.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

Gaurav Sinha
GAURAV.S/-

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