

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2918 of 2025

Arising Out of PS. Case No.- Year-0 Thana- District- Banka

Girdhari Yadav

... .. Petitioner

Versus

The State of Bihar through Principal Secretary, Dept. of Home (Police), Govt. of Bihar, Patna and Others

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Respondent/s : Mr. AC to S.C.15

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 11-11-2025 Heard Mr. Ajay Mukherjee, learned counsel for the petitioner and learned AC to SC-15 for the State of Bihar.

2. We have perused the order as contained in Memo No. 1532 dated 08.09.2025 passed by the District Magistrate, Banka. *Prima-facie*, it appears to have been passed in haste and the condition imposed is not commensurate to the requirement of the provisions of the Act.

3. We, therefore, stay the operation of the order dated 08.09.2025 as contained in Memo No. 1532 forthwith.

4. It is stated that the petitioner has been kept confined in the police station from the morning even though he is required to cast his vote today itself which is going on.

5. We direct that the petitioner shall be set at free and



will be allowed to go to the polling booth for casting his vote.
The order has been passed in presence of learned AC to SC-15.
Learned AC to SC-15 shall communicate this order to the
District Magistrate, Banka immediately who in turn will inform
this to all concerned authorities.

6. The order be communicated also through FAX to
the office of the District Magistrate, Banka.

7. List this case on 08th December, 2025.

8. In the meantime, counter affidavit shall be filed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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