

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 1319 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

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Kunj Bihari Yadav, son of Ram Kripal Yadav, resident of village Sher Bijuliya,
P.S. Baheri, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Darbhanga, District Darbhanga.
2. The Senior Superintendent of Police, Darbhanga.
3. The Deputy Superintendent of Police, Sadar, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga at Laheriasarai, Darbhanga.
5. The Inspector General of Police, Darbhanga at Laheriasarai, Darbhanga.
6. The Director General of Police Bihar Patna.
7. The Officer In charge of Singhbura Police Station, District Darbhanga.
8. The Officer in Charge of Biraul Police Station, District Darbhanga.
9. The Under Secretary to Government of Bihar Home (Police) Department Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ram Bali Jha, Advocate

For the S t a t e : Mr Ravi Verma, AC to GP 12

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 05-01-2016

This application for a writ of habeas corpus has been filed challenging the order of preventive detention as passed by the District Magistrate, Darbhanga being dated 25.06.2015 under the Bihar Control of Crimes Act, 1981.

2 Heard learned counsel for the petitioner and learned counsel for the State.

3 Learned counsel for the petitioner submits that he has been falsely implicated in criminal cases and, therefore, the detention order is based on false cases and, thus, liable to be set aside. He does not dispute the fact that he has been made an accused in 3 cases in all of which he has now been released on bail. It is well settled that, whether those criminal cases are true or not, can only be decided in a trial and not at this stage when detention order is to be issued. Being accused in 3 cases would bring the case of the petitioner within the definition of habitual offender. This Court, in these proceedings, cannot go into the correctness or otherwise of the allegations as made in those three cases.

4 There being no other ground to challenge, we are not satisfied of any valid ground made out for challenging the preventive detention order. This application is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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