

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.514 of 2016**

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Indra Deo Yadav, son of late Mangal Yadav, resident of village – Bigha,  
Par, P.S. – Giriyak, District – Nalanda.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home (Police), Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Sub Divisional Police Officer, Rajgir
6. The Officer-in-Charge, Giriyak P.S. Nalanda.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Bindhyachal Singh, Advocate  
Mr. Satya Prakash, Advocate  
For the Respondents : Mr. Ritesh Kumar (SC 33)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

And

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2      20-05-2016                      Heard learned counsel for the petitioner  
  
and learned counsel for the State.

By this writ petition, the externment order  
passed by the District Magistrate-cum-Collector,  
Nalanda in BCCA Case No. 55 of 2016 under Section  
3(3) of Bihar Control of Crimes Act (hereinafter  
referred to as the “BCCA”), 1981, is under challenge.

It is pointed out that, out of 10 (ten) cases,  
most of which are very old, petitioner has already been  
acquitted in five (5) cases. Out of the five (5) cases,  
remaining, two cases, there is obviously total non-

application of mind, because those cases are of dated 12.11.2016 and 13.11.2016 which dates are yet to come, and one is a Sanha Entry.

In view of the said cases and in view of the fact that, the authority has, in fact, not applied its mind, because, we think had he applied his mind rationally and positively, conclusion would have been otherwise, we are constrained to set aside the order of District Magistrate-cum-Collector, Nalanda.

This writ application is, accordingly, allowed.

**(Navaniti Prasad Singh, J.)**

**(Nilu Agrawal, J.)**

Rajeev/-

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