

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1315 of 2015

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1. Loha Yadav @ Abhay Singh S/o Sri Gupteshwar Singh, Resident of Village- Masharhiya, P.S.: Murar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Secretary, Department of Home (Police), Government of Bihar, Patna.
3. Under Secretary, Department of Home (Police), Government of Bihar, Patna.
4. District Magistrate, Buxar.
5. Superintendent, Buxar Central Jail, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Respondent/s : Mr. Vikas Kumar, A.C. to A.G.

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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)

4 25-01-2016 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner challenges the order of detention, as passed by the District Magistrate, Buxar, and is aggrieved by the said order after its approval by the Advisory Board under the provisions of Bihar Control of Crimes Act, 1981. Let it be noted that the detention order was originally passed on 25-2-2015, and the detention of the petitioner has been ordered valid upto 24-2-2016.

3. Learned counsel for the petitioner submits that it is only in one case the petitioner has been named as an accused in the First Information Report. In the rest of the cases his name has been brought in as accused in course of investigation. Thus, he is not a “habitual offender” within the meaning of the Act. We are not impressed. The petitioner has been charge-sheeted as accused in about 27 cases. All the cases relate to heinous and serious offences. Twenty seven cases are not any negligible or small number nor are the natures of cases too minor and trifle. Thus, in our view, the submission of the learned counsel for the petitioner cannot be accepted.

4. No other ground of challenge having been raised, we do not find any merit in the application. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

B.K.Roy/-

(Nilu Agrawal, J)

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