

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1235 of 2017

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

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Dinesh Rathour @ Dinesh Yadav, S/o Late Mahanand Yadav alias Late Gaffu Yadav, Resident of Village- Bhojpur, Police Station- Tarabari, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar, through Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Renge.
4. The Deputy Inspector General of Police, Darbhanga Renge.
5. The Deputy Inspector General of Police, [Human Right], Bihar, Patna.
6. The Superintendent of Police, Araria.
7. The Principal Secretary, Department of Home, Government of Bihar.
8. The Under Secretary, Girish Mohan Thakur, Department of Home, [Police Branch], Government of Bihar.
9. The District Magistrate, Araria.
10. The Sub Divisional Magistrate, Araria.
11. The Deputy Superintendent of Police, Araria.
12. The officer- In-Charge cum S.H.O. Araria Police Station, Araria.
13. The officer- In-Charge cum S.H.O. Tarabari Police Station, Araria.
14. The officer- In-Charge cum S.H.O. Narpatganj Police Station, Araria.
15. The officer- In-Charge cum S.H.O. Palasi Police Station, Araria.
16. The officer- In-Charge cum S.H.O. Kochadham Police Station, Araria.
17. The officer- In-Charge cum S.H.O. Sikati Police Station, Araria.
18. The officer- In-Charge cum S.H.O. Raniganj Police Station, Araria.
19. The officer- In-Charge cum S.H.O. Kursakanta Police Station, Araria.
20. The officer- In-Charge cum S.H.O. Farbisganj Police Station, Farbisganj.
21. The Jail Superintendant, Sub Jail, Araria.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. S.K. Lal, Advocate
		Mr. Umesh Kumar Singh, Advocate
For the Respondents-State:		Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 21-08-2019



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

2. The prayer of the petitioner in para 1 of the writ petition reads as under:-

“1. That present writ application is being filed on behalf of petitioner for issuance of appropriate writ/writs, order/orders, direction/directions for the following reliefs:-

(i) That the petitioner pray for issuance of writ of mandamus commanding the respondents authority to restrain them from false implication of petitioner in criminal cases continuously since year 2003 in connivance with politicians with malafidy intention.

(ii) That the petitioner further pray for, to direct the respondent authority to send the matter for proper investigation by any independent agency like C.B.I, I.B. in respect of false implication of petitioner in criminal cases since year 2003 against respondents authority who indulge in false implication of petitioner under the criminal conspiracy with politicians.

(iii) That petitioner also further pray for any other relief/reliefs as your Lordships found fit and proper.

3. Learned counsel appearing for the petitioner submitted that the petitioner contested the election for the post of Mukhiya in his Panchayat twice. He also contested Lok Sabha



election. His political rivals in conspiracy with the administrative authorities have fanned him in false cases one after another. He was taken into custody in connection with Tarabari P.S. Case No.497 of 2003 on 08.07.2003 and was granted bail within three months from the date of remand in connection with the said case, but the police remanded him in another case and was not released from judicial custody. Between the period 08.07.2003 and 30.04.2012, whenever the petitioner was granted bail in connection with the cases pending against him and he was likely to be released, he was roped in another cases in order to ensure that he does not come out from jail as a result of which he was never ever released since 08.07.2003 till 30.04.2012. On 30.04.2012, when he was granted bail in Sikati P.S. Case No.72 of 2011 and was released from jail, he was again taken into custody and kept him in Araria Police Station lockup. Subsequently, he was forwarded to judicial custody in Tarabari P.S. Case No.33 of 2012. Between the period 08.07.2003 and 17.02.2017, in all, 58 cases have been lodged against him by the local administration. He contended that the incarceration of petitioner inside the jail is a glaring example of executive arbitrariness and administrative high-handedness.

4. On the basis of the aforesaid submissions, he has made a prayer that the respondents be restrained from implicating



the petitioner in criminal cases falsely one after another. He has also prayed that the Central Bureau of Investigation be directed to investigate as to whether the petitioner is being framed in false cases with ulterior motive.

5. The State has filed its supplementary counter affidavit in compliance of the order passed by this court on 22.07.2019. On perusal of the counter affidavit filed on behalf of the respondents no.6, I find that the petitioner has a long criminal history since 2000 i.e. much before the date of judicial custody on 08.07.2003. The counter affidavit refers to altogether 67 cases and out of them, five cases were registered against the petitioner in districts other than Araria. The counter affidavit also goes to suggest that the petitioner repeatedly committed heinous crimes in the district of Araria and, after his judicial custody, under his instructions and connivance, the other accused persons of his gang committed several other offences. The counter affidavit would further show that the petitioner allegedly did not spare even the Assistant Public Prosecutor, namely, Deo Narayan Mishra, who was conducting the prosecution of all the Sessions Trial cases pending in the Fast Track Courts in Araria against him till 2009.

6. Referring to the statements made in the counter affidavit, learned counsel for the State submitted that the allegation



of false implication of the petitioner in different cases is absolutely false. The police are trying their level best to produce witnesses in trials pending before the court against the petitioner, but out of his fear, the witnesses are turning hostile.

7. Having regard to the materials on record, I do not find that it is a case for grant of any relief to the petitioner.

8. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2019
Transmission Date	NA

