

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.634 of 2021

Arising Out of PS. Case No.-432 Year-2019 Thana- KOILWAR District- Bhojpur

SARITA DEVI W/O AKHILESH RAI @ AKHILESH YADAV @
AKHILESH KUMAR RAY R/O VILLAGE-SAMERIA HARIPUR, P.S-
KOILWAR, DISTRICT-BHOJPUR AT ARA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, HOME DEPT. GOVT. OF BIHAR, PATNA. OLD SECRETARIAT BUILDING PATNA.
2. THE D.G.P, BIHAR, PATNA PATNA.
3. THE INSPECTOR GENERAL OF POLICE, BIHAR, PATNA. PATNA.
4. THE DEPUTY INSPECTOR GENERAL OF POLICE, SAHABAD RANGE, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
5. THE DISTRICT MAGISTRATE, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
6. THE SENIOR SUPERINTENDENT OF POLICE, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
7. THE SUPERINTENDENT OF POLICE, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
8. THE DISTRICT MINING OFFICER, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
9. THE SUB DIVISIONAL OFFICER, ARA, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
10. THE DEPUTY SUPERINTENDENT OF POLICE, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
11. THE OFFICER-IN-CHARGE, KOILWAR P.S, DISTRICT BHOJPUR AT ARA. BHOJPUR AT ARA.
12. AMIT SINGH @ GUDDU S/O RAGHUBIR DYAL SINGH R/O VILLAGE-DAULATPUR, P.S-KOILWAR, DISTRICT-BHOJPUR AT ARA.
13. ANJANI SINGH S/O RAGHUBIR DYAL SINGH R/O VILLAGE-DAULATPUR, P.S-KOILWAR, DISTRICT-BHOJPUR AT ARA.
14. PREM SINGH S/O LATE DHARIKSHAN SINGH R/O VILLAGE-BAGH MAJHAUWA, P.S-KOILWAR, DISTRICT-R/O VILLAGE-DAULATPUR, P.S-KOILWAR, DISTRICT-BHOJPUR AT ARA.
15. SANJIV SINGH S/O SUMIT SINGH R/O VILLAGE-DAULATPUR, P.S-KOILWAR, DISTRICT-BHOJPUR AT ARA.
16. KRISHNA MOHAN SINGH S/O LATE PARMESHWAR SINGH R/O VILLAGE-DAULATPUR, P.S-KOILWAR, DISTRICT-BHOJPUR AT ARA.



17. VINAY RAY S/O LATE DUDHNATH RAY R/O MANACHAK, P.S-KOILWAR, DISTRICT-BHOJPUR AT ARA.
18. MUNNA RAY S/O LATE DUDHNATH RAY R/O MANACHAK, P.S-KOILWAR, DISTRICT-BHOJPUR AT ARA.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Zainul Abedin, Advocate.
For the Respondent/s	:	Md. Nadim Seraj, GP-5 Mr. Asif Iqbal Neazi, JC to GP-5
For the Mines	:	Mr. Naresh Dixit, Advocate. Spl. P.P. Mines Mr. Utsav Anand, J.C. to Mr. Naresh Dixit.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 14-09-2023 Heard learned counsel for the parties concerned.

2. Mr. Baxi S.R.P. Sinha, learned senior counsel appearing for the petitioner submits that the petitioner is the owner of a piece of land described in paragraph-5 of the writ application situated near the river Sone. She has filed the present writ application seeking police protection to the life and property of the petitioner which is at stake at the hands of private respondents who are indulged in illegal mining from the land of the petitioner/her family members and are members of sand mafia.

3. Learned counsel further submits that the petitioner has filed a representation before the Director General of Police and other authorities in this regard but no action has been taken. As such, concerned respondents may be directed to dispose the representation of the petitioner after inquiring into the facts



regarding threat to her life and her family members at the hands of the sand and land mafia.

4. On the other hand, learned counsel for the State as well as Mining Department referring to the counter affidavit submits that the petitioner has not approached this Court with *bona fide* intention. The petitioner and her family are involved in illegal excavation/mining of the sand near the bank of river Sone. A large number of cases have been lodged by the Police as well as Mining Officials against the petitioner's family members. In some cases, the petitioner/family members has also lodged FIR against the private respondents due to the clash of interest between them with regard to illegal excavation/mining of sand from the land of the petitioner and her family members near the Sone river.

5. It has further been submitted that the District Mining Officer is vigilant and making regular raid and inspection on the sand ghat areas of the Sone river and on each time when it is detected that illegal excavation of sand was being done by the accused persons, the Mining Officials promptly lodged F.I.Rs. against those persons on the basis of information gathered from the site and in the process, the name of private respondents and family members and husband of the



petitioner also came which would go to show that the petitioner and her family including her husband are involved in illegal mining/excavation of sand in and around Koilwar sand ghat of the river Sone.

6. The allegation of the petitioner with regard to the nexus of the respondents with the Sand Mafia is blatantly false as would be evident from the record that on several occasions the District Mining Office and its Officers have raided the area and lodged the F.I.R. against the various other people who are engaged in illegal excavation of sand. The F.I.Rs. against the petitioner and her family members as well as other persons have also been lodged by the respondents/authorities.

7. The present writ application has been filed as a ploy to indulge in illegal mining and the petitioner and her family members are not entitled to any relief in the facts of the case. They are also involved in the illegal mining as would be evident from large number of FIRs lodged by the respondent/Police as well as Mining authorities. Due to the clash of interest between the licensee/settlee of the ghats and the land mafia, so many cases were also lodged against the petitioner and the private respondents.

8. The SHO Koilwar has conducted an enquiry and



has found that there is no threat perception of the petitioner and the family members. The SHO has also informed that the petitioner and her family members are involved in illegal mining and their interest is in conflict with the licensee/owner of the sand ghats.

9. Having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that a large number of FIRs have been lodged against the family members of the petitioner, I find no merit in the prayer made in this writ application.

10. Accordingly, the present writ application stands dismissed.

(Anil Kumar Sinha, J)

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