

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1291 of 2021

Arising Out of PS. Case No.-165 Year-2016 Thana- ALOULI District- Khagaria

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RANI DEVI W/O LATE RAJESH YADAV Resident of Village - and P.O.-and
P.s.- Alauli, Distt.- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Home (Police), Department, Government of Bihar, Patna.
2. The Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The Director General of Police, Patna, Bihar.
4. The Inspector General of police, Prison, Bihar Patna.
5. The Deputy Inspector General of police, Begusarai.
6. The Deputy Inspector General of Police, Kosi Range, Saharsa.
7. The Superintendent of Police, Khagaria.
8. the Superintendent of Police, Sharsa.
9. The Sub Divisional Police Officer, Sadar, Khagaria.
10. the Station House Officer, Alauli P.S., Distt. Khagaria.
11. The Station House Officer, Chitragupta Nagar P.S., Distt.- Khagaria.
12. The Station House Officer, Salkhua P.S. (Chiraiya O.P), Distt. Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar
For the Respondent/s	:	Mr.M. Nasrul Huda Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 10-08-2023 | 1. The present writ application has been filed for a direction to the respondents-authorities to arrest Dharambir Yadav & Roshan Yadav, both sons of Late Ramanand Yadav, who are accused in Alauli PS Case No. 165 of 2016 for the offences registered under Sections 364 / 302 / 120B / 34 of the IPC and Section 27 of the Arms Act. It has further been prayed |
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seeking security to the petitioner and her family members from the above named accused persons as they are giving threats and pressurizing the petitioner and her family members for withdrawal of Alauli PS Case No. 165 of 2016.

2. The factual matrix of the case is that the petitioner is the informant of Alauli PS Case No. 165 of 2016 registered under Sections 364 / 302 / 120(b) / 34 of the IPC and Section 27 of the Arms Act on 29-06-2016 against nine accused persons including Dharambir Yadav & Roshan Yadav. It has been alleged in the F.I.R. that on 28-06-2016 while the petitioner along with her husband and other family members was sitting on her door, the accused persons arrived there with weapons and caught hold the husband of the petitioner and dragged him up to Vijay Market wherein he was shot dead by Dharambir Yadav on the order of the accused namely, Ramanand Yadav, who is the kingpin. It has further been alleged that the motive behind the said occurrence is the land dispute pending in Title Suit between the family members of Ramanand Yadav and the husband of the petitioner / informant. The accused - Dharambir Yadav was remanded in judicial custody in Alauli PS Case No. 165 of 2016 on 04-01-2018. On 03/09/2021 while he was admitted in Sadar Hospital, Khagaria he managed to escape



from the custody with the support of one Ramanand Yadav (Police Constable) for which Khagaria Chitragupta Nagar PS Case No. 701 of 2001 was registered.

3. Learned counsel for the petitioner submits that Dharambir Yadav and Roshan Yadav are notorious criminals and several cases are pending against them. Since the accused persons are roaming freely and not being arrested by the Police, the petitioner and her family members are living under fear. On 04-10-2021 the said accused along with 8-10 persons came with arms at the door of the informant and threatened to withdraw the present case otherwise she along with her family members would be killed. The petitioner on 06-10-2021 submitted a representation before the D.G.P., Bihar, Patna and its copy to various other authorities for arrest of the accused namely Dharambir Yadav and Roshan Yadav, who are absconding and are giving threats of life and dire consequences to the petitioner and her family members.

4. On the other hand, learned counsel for the State submits that investigation has been conducted in most professional and impartial manner. During course of investigation, Dharambir Yadav, who is also an accused in Hajipur (Town) PS Case No. 820/2017 was remanded in the



present case on 04-01-2018. Final report as well as supplementary charge sheet has been filed against Dharambir Yadav in 2018. The S.P., Khagaria vide Memo No. 1993 dt: 27/03/2022 constituted a S.I.T. for arrest of the absconder -Dharambir Yadav. Thereafter, the S.P., Khagaria vide Memo No. 2379 dated 05/04/2022 requested the S.P., Saharsa to arrest the absconder at his level since it came to knowledge that the absconder was residing at the village: Belahi, Chiraiya Police Station, District- Saharsa.

5. The S.I.T. has conducted repeated raids at the native village of the accused- Dharambir Yadav but he could not be arrested. Since the absconder was evading arrest, the S.H.O. Chitragupta Nagar Police Station requested the learned A.C.J.M., Khagaria to initiate process of proclamation / attachment of property of the absconder (accused) – Dharambir Yadav and pursuant to it two properties of the absconder have been attached on 12/04/2022. Repeated raids at the potential location of the absconder are being conducted and the Police is taking help of spy, informant and other sources including the S.T.F. for the arrest of Dharambir Yadav.

6. The involvement of accused - Roshan Yadav has not been found in the present case, hence, not sent up for trial.



The I.O. has also attached the property of F.I.R. named accused/ Ramanand Yadav.

7. I have heard learned counsel for the parties and have perused the materials on record. The Superintendent of Police, Khagaria has formed S.I.T. and is also taking help from the S.P., Saharsa [neighbouring district] for arrest of the absconder- Dharambir Yadav. Raids have been conducted on potential locations of the absconder and the Police is taking help of spy, informant and other sources including the S.T.F. for the arrest. Other procedures like process of attachment / proclamation has also been adopted by the Police and the properties of the absconder has been attached on 12-04-2022 as would be evident from Annexure-C to the counter affidavit of the respondent no. 7.

8. This Court is of the view that the S.P., Khagaria is aware about the seriousness of the situation and has formed S.I.T. and is also taking help of S.T.F. and other sources for the arrest of the accused person. This Court hopes and trust that the S.P., Khagaria and the Investigating Officer of Alauli PS Case No. 165/2016 shall keep on taking steps for arrest of the accused, who is involved in serious and heinous offence. Accordingly, no specific direction is being issued to the



respondents in this regard. In the result, this writ application is dismissed.

9. However, with regard to prayer of the petitioner for providing security to the petitioner and her family members from the accused persons, the petitioner is given liberty to file a representation before the S.P., Khagaria [respondent no. 7] regarding threat to her and her family members and if such a representation is filed, the Superintendent of Police, Khagaria shall be obliged to consider the representation of the petitioner in this regard and examine the threat perceptions of the petitioner and her family members and in case threat perceptions are found to be genuine, the S.P., Khagaria shall take immediate measures to protect the life and liberty of the petitioner and her family members.

(Anil Kumar Sinha, J)

praful/-A.F.R.

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