

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.967 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Supaul

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PRADEEP YADAV son of Brahmdev Yadav Village- Rasuyar Kyotta Patti
Ward no-2, Ps- Supaul Nadithana Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna Bihar
2. The Chief Secretary, Govt. of Bihar, patna Bihar
3. The Secretary Law Department govt. of Bihar, Patna Bihar
4. The Additional Secretary, Home Police Department, Govt. of Bihar Bihar
5. The District Magistrate Bihar
6. The Jail Superintendent Mandal Kara Supaul Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Binod Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Iqbal Asif Niyazi, AC to G.P.-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and the State.

2. When the writ application was filed, the petitioner was aggrieved with the order no.903 and 904 dated 13.04.2023 issued under the signature of the District Magistrate, Supaul whereby and whereunder an order of prohibition against the petitioner was passed under Section 12(2) of the Crime Control Act, 1981 with effect from the date of order i.e. 13.04.2023 to 12.07.2023. During the pendency of the writ application, the impugned order lost its effect, however, the detention order has

been extended and it has been lastly extended for three months from 13.01.2024 to 12.04.2024 vide memo no.297 dated 05.01.2024 issued under the signature of the Deputy Secretary to the Government.

3. Learned counsel for the petitioner submits that the detention of the petitioner under the provisions of the Crime Control Act, 1981 is fully illegal as the petitioner has got bail in all the cases which have been lodged against him.

4. Mr. Iqbal Asif Niyazi, learned AC to GP for the State submits that the prohibition order has been passed against the petitioner considering his repeated indulgence in commission of serious kind of offences. Learned counsel points out from Annexure- 'D' to the counter affidavit that the petitioner was earlier detained under the Crime Control Act from 23.09.2021 to 22.12.2021 and from 23.12.2021 to 22.03.2022 but even after the said detention the petitioner did not stop indulging in illegal act. He is an accused in Supaul Nadi P.S. Case No.16 of 2023 for the offences allegedly committed on 15.02.2023 under various Sections of the Indian Penal Code including Section 307 and again under Section 27 of the Arms Act. He had indulged in causing assault twice on the Station House Officer of the police station. For all these reasons,

it is submitted that no interference is required to the impugned order.

5. Having heard learned counsel for the petitioner and the State, this Court is of the considered opinion that no fault may be found with the impugned order.

6. The competent authority has, upon being satisfied with the law and order issue, had passed the impugned order which needs no interference.

7. This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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