

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1223 of 2014

=====

Jai Shankar Raut Son of Gangi Raut, Resident of Village - Karhara, P.S. -  
Bheja, District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Darbhanga.
4. The Superintendent of Police, Madhubani.
5. The Sub-Divisional Police Officer, Jhanjharpur, District- Madhubani.
6. The Station Head Officer, Bheja Police Station, District - Madhubani.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s :

For the Respondent/s :

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

3      31-07-2015                      Heard learned counsel for the petitioner and learned  
A.C. to G.P. 2 for the State.

In the present writ application the petitioner has  
sought a direction to the respondents to protect his life and liberty.



Learned counsel for the petitioner submits that with regard to a piece of land belonging to him the revenue authorities have held in his favour but despite the said, his possession is being threatened by persons who have been named in paragraph 4 of the present writ application namely, Bhola Raut, son of Budhi Raut, Mostt. Fulwanti Devi, wife of late Bhikhari Raut, Suraj Chaurasia, son of Ram Prasad Chaurasia and Hari Narayan Chaurasia, son of Ram Prasad Chaurasia. Learned counsel has submitted that despite there being regular threat and untoward incident having occurred earlier and also on 14.09.2014 for which the petitioner has sent a petition before the Superintendent of Police, Madhubani, but no action has been taken.

Learned State Counsel submits that from the entire pleading including the application sent by the petitioner to the Superintendent of Police, Madhubani it does not appear that there is any allegation against the local police and in that view of the matter, when the law requires that for any offence alleged to have been committed, the aggrieved has to approach the nearest police officer/station and the petitioner not having invoked that remedy, the local police cannot be blamed or could be said to have shirked from performing their statutory obligation under the law.

In view of the position emerging, this Court deems it

appropriate to dispose off the present application with the observation that the petitioner, as any citizen of India, is entitled to protection of law including that to his life and property. Thus, it would be incumbent upon the respondents to ensure such protection to the life and property of the petitioner with clarification that as far as the properties for which the petitioner may approach the authorities to ask for protection, the authorities would be well within their rights to be satisfied that there is no order adverse to the interest of the petitioner relating to such property. Upon being satisfied in this regard, it would be the duty of the respondents, especially the local police, to ensure such protection to the life and property of the petitioner, as and when the same is required and for which they are informed by the petitioner.

The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Anjani/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|