

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.223 of 2014

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Neelan Chandan, Son of Late Prem Kumar, Resident of Mohalla - Sadikpur,
Police Station - Alamganj and District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Senior Superintendent of Police, Patna
2. Director General of Police, Bihar, Patna
3. Senior Superintendent of Police, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Birendra Kant Chaudhary, Advocate

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-02-2015

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

The prayer of the petitioner in paragraph no. 1 of this
application is as under:-

“1. That this application is being filed for directing the Senior Superintendent of Police, Patna to provide security/security guards to the petitioner as he and his family members seriously apprehended danger to their life and property at the hands of the criminals who murdered his father and are roaming around untraced as also due to the nature of the business that the petitioner is involved in and for want of all other reliefs to which the petitioner is found entitled in course of hearing of this application.”



The father of petitioner, namely, Sri Prem Kumar was murdered on 9th May, 2012 which led to registration of Agam Kuan P.S. Case No. 100 of 2012. Immediately after the death of his father, the petitioner filed a representation before the Superintendent of Police, Patna praying therein for being provided a security guard in view of his apprehension for his life and liberty. The petitioner was provided with a security guard on 12th May, 2012 by the State but the security guard provided to him was withdrawn by the Senior Superintendent of Police, Patna on 22nd September, 2012. The petitioner filed a representation on 26th September, 2012 before the Senior Superintendent of Police, Patna praying therein to provide security guard for his safety as also that of his family members. The petitioner also filed reminder representations on 2.2.2013 and 25.11.2013 in this regard.

Learned counsel for the petitioner has submitted that the petitioner being a busy businessman has serious threat to his life at the hands of unknown criminals. He has submitted that to the best of the knowledge of the petitioner the case of his father's murder could not be solved by the police till date.

Learned counsel for the State has contested the matter. He has submitted that it is true that due to murder of the petitioner's father, the then Senior Superintendent of Police had ordered to



depute a security guard to the petitioner for the time being. However, the matter of providing police protection was reviewed by the District Level Security Committee in its meeting held on 8.12.2012. In the meeting of District Level Security Committee, it was found that there is paucity of police force in maintenance of law and order and in public interest, the District Level Security Committee felt inconvenience to provide security guard for the petitioner for a long time.

Learned counsel for the State has further submitted that recently no specific incident has come to the knowledge of the police on the basis of which it can be held that the petitioner has any threat to his life at the hands of any known or unknown criminals. Lastly, it has been contended that in case the petitioner has any grievance against the decision of the District Level Security Committee, he has a remedy of appeal before the Divisional Level Security Committee.

In reply, learned counsel for the petitioner submitted that even after filing of the present case, the Sub-Divisional Police Officer, Patna has submitted a report to the Senior Superintendent of Police in which he has categorically stated that the petitioner has threat to his life and liberty at the hands of unknown criminals.

Be that as it may, in a given case a person may be

entitled to police protection having regard to threat perception of his life and liberty or for protection of rights declared by a decree or order passed by a Court of competent jurisdiction. However, the assessment of threat perception on any person's life and liberty can be done by the authorities of the State and not by this court sitting in writ jurisdiction under Article 226 of the Constitution of India.

In that view of the matter, I dispose of the present application with a direction to the petitioner to represent his case before the District Level Security Committee once again with all materials in his hand. In case such a representation is filed within two weeks from today, the District Level Security Committee shall examine and dispose of the representation by a speaking order within a maximum period of two months from the date of receipt/production of a copy of the order.

It is made clear that in case the District Level Security Committee rejects the representation of the petitioner, it would be open to the petitioner to challenge such order before the Divisional Level Security Committee.

(Ashwani Kumar Singh, J.)

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