

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.654 of 2016

Arising out of PS.Case No. -244 Year- 2015 Thana –Brahmpura District- MUZAFFARPUR

Amrendra Kumar, son of Prabhu Dayal Prasad, resident of N.H.-28, Chandni Chowk, Police Station- Brahmpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Home Secretary, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Tirhut Range, Muzaffarpur.
5. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
6. The District Magistrate, Muzaffarpur.
7. The Senior Superintendent of Police, Muzaffarpur.
8. The Town S.P, Muzaffarpur
9. The Sub-Divisional-Officer, East Muzaffarpur.
10. The Dy. S.P. Sadar Muzaffarpur.
11. The Officer in Charge, Brahmpura Police Station, Muzaffarpur.
12. The I.O., Brahmpura Police Station Case No. 244/2015 Muzaffarpur.
13. Tofi Yadav @ Manish Kumar, son of Anil Yadav, resident of Mohalla- Brahmpura, Krishna Tola, Police Station- Brahmpura, District- Muzaffarpur.
14. Rocky Yadav, son of Anil Yadav, resident of Mohalla- Brahmpura, Krishna Tola, Police Station- Brahmpura, District- Muzaffarpur.
15. Manjeet Kumar @ Politics Yadav @ Manjeet Maniya, son of Deepak Prasad @ Munna Mahto, resident of Mohalla- Brahmpura, Krishna Tola, Police Station- Brahmpura, District- Muzaffarpur.
16. Bholu Jha @ Bholu Jha @ Saurav Kumar, son of Lalan Jha, resident of Mohalla- Rahul Nagar, Brahmpur, Police Station- Brahmpura, District- Muzaffarpur.
17. Rauhan Kumar, son of Prameshwar Rai, resident of Mohalla- Brahmpura, Krishna Tola, Police Station- Brahmpura, District- Muzaffarpur.
18. Pushakar @ Ranjan Kumar, son of Prameshwar Rai, resident of Mohalla- Brahmpura, Krishna Tola, Police Station- Brahmpura, District- Muzaffarpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Advocate.

For the Respondent/s : Mr. Sanjay Kumar Giri, G.P. 9

Mr. Nikhil Kumar Agrawal, A.C. to G.P. 9

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 29-08-2016

Heard learned counsel for the parties.



2. The petitioner and his brother Ramendra Kumar Prabhu were stated to be running a business. As per the petitioner, on 17.12.2013, Respondent No. 13 demanded ransom. Aggrieved against the demand of ransom, brother of the petitioner lodged a First Information Report. The accused persons stand charge-sheeted and are facing trial. Subsequently, on 19th of September, 2015, brother of the petitioner was assaulted brutally which led to his death, for which another First Information Report has been lodged. On completion of the investigation, charge-sheet has been filed.

3. The grievance of the petitioner is that after lodging a First Information Report, still, the accused persons are giving threat to kill the family of the petitioner. Father of the petitioner has sought police protection, which right is being claimed by his son, the present petitioner and the brother of the deceased. The petitioner claims that he has applied for arms licence for protection of his life but the District Magistrate has not issued any licence.

4. In answer to the repeated queries that what is the mode of giving threat to kill, learned counsel for the petitioner could not point out any mode except to say that the other side, the private respondents, are living in the vicinity and are threatening day in and day out. In the counter affidavit filed, the respondents have detailed the steps taken by them to nab the culprits. It is also mentioned that

grant of Arms Licence has been recommended.

5. I do not find that on vague allegations, the petitioner can be provided police protection. For any threatened conduct, the police is competent to act including initiation of proceedings under the Code of Criminal Procedure and to take other steps but the police protection cannot be provided to the petitioner and his family at his asking.

6. In view thereof, the writ application is dismissed.

(Hemant Gupta, J)

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