

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2370 of 2017

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Babuddin Sah @ Babuddin Ahmad S/o Late Noor Mohammad, R/o Village-
Parswa, p.S.- Barharia, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home Affairs, Bihar, Patna.
2. The D.G.P. Government of Bihar, Patna.
3. The Deputy Inspector General, Saran Range, Chapra.
4. Superintendent of Police, Siwan.
5. The Officer In Charge, Barharia P.S., District- Siwan.
5. Ruksar Khatoon, D/o Hafizullah Ansari, resident of village-Paraswa Tola, P.S.-Barharia, District-Siwan.
6. Hafizulla Ansari, son of Diljan Hussain, resident of village-Parswa Tola, P.S.-Barharia, District-Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Pandey
For the Respondent no.5 : Mr. Ashok Kumar Garg, Adv.
For the State : Mr. Iqbal Asif Niazi, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Although, no counter affidavit has been filed on
behalf of the State, but the learned counsel representing the State
has placed before the Court the instructions which have been
received from the Superintendent of Police, Siwan.

Learned counsel submits that as per his instructions
in Barharia P.S. Case No. 253 of 2017, registered under various
cognizable offences of the Indian Penal Code, altogether 17



accused persons were arrested and forwarded to court and upon supervision by the Sub-divisional Police Officer, the case has been found to be true and accordingly, 62 persons have been charge-sheeted in the said case, whereas, investigation against one accused namely, Naeem Akhtar is pending. A counter case being Barhariya P.S. Case No. 254 of 2017 is also instituted on the basis of the written report of Irshad Ahmad in which 17 persons including the present petitioner have been named. The Superintendent of Police has also informed that both the cases are being jointly supervised, photographs of place of occurrence of case no. 253 of 2017 instituted on the basis of the written report of the present petitioner have been collected by the I.O. The petitioner who is said to have been enlarged on bail in case No. 84 of 2017 and 254 of 2017 is presently residing in his house, the I.O. has visited his house and has assured full protection of life and property of the petitioner and his family.

Learned counsel for the petitioner still submits that police is not taking appropriate steps to catch the culprits and the life and liberty of the present petitioner and his family is under stake as they apprehend attack from the large number of persons who are accused in Barhariya P.S. Case No. 253 of 2017.

Learned counsel for the State submits that it is a duty



of the State to save the life and property of the petitioner and in this regard the investigating officer of the concerned police station has already taken appropriate steps.

In the facts and circumstances stated hereinabove, this Court disposes off the writ application with a direction to the Superintendent of Police, Siwan to personally take stocks of the situation prevailing in the area and find out the genuineness of the threat, perception of the petitioner and his family. The investigating officer of the concerned police station is directed to take all such appropriate measures which would be required to thwart any untoward incident which the petitioner and his family apprehend for the present. The investigating officer shall keep on reporting the matter to the Superintendent of Police, Siwan on day to day basis and Superintendent of Police, Siwan shall himself monitor the situation and shall take all necessary steps to protect the life and property of the petitioner and his family members and others from any unlawful activity against them.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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