

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9721 of 2017

Om Prakash Yadav, S/o Late Rameshwar Gope, National President Rastriya Sadabahar Party, Bihar Pradesh Patna Main Office Hotel Maharani, Maharani Chock, Tulsi Mandi, Guljarbagh, Patna- 7, R/o Hotel Maharani, Maharani Chock, Tulsi Mandi, Guljarbagh, Patna- 7.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Home Secretary, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. S.D.O. Patna City.
5. I.G. Patna Zone, Patna.
6. D.I.G. Patna Zone, Patna.
7. S.S.P. Patna Zone, Patna.
8. A.S.P. PatnaCity.
9. The Officer In-charge, Alamganj Police Station, P.O.- Guljarbag, Patna- 7.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Respondent/s : Mr. Apurva Kumar, AC to GA-4

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-09-2018 Heard Mr. Anil Prasad Singh, learned counsels for the petitioner and Mr. Apurva Kumar, learned AC to GA-4 for the respondent-State.

Though the present writ application was registered on 13.07.2017, but till date no counter affidavit has been filed, hence in view of the nature of order this Court intends to pass, this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a direction to the respondent authorities to provide body-guard to the petitioner, who is a social worker and since he has filed



several Public Interest Litigations, in the interest of the public at large. Hence, he apprehends threat to his life.

Learned counsel for the petitioner submits that the petitioner is the President of Rastriya Sadabahar Party, Bihar Pradesh, Patna, being a political organization. Since the petitioner has raised the issue of reservation and environmental pollution in several Public Interest Litigation, hence, threat perception to the life of the petitioner has aggravated. The petitioner submitted a representation for providing him a body guard before Respondent No.3, the District Magistrate, Patna on 11.04.2017, as contained in Annexure-1, but no action has been taken by the respondent authorities till date. Hence, the present writ application.

Learned AC to GA-4 submits that at present, he is not having any instruction, with regard to action being taken on the representation of the petitioner, but if the petitioner submits a fresh application before the Special Security Committee for providing body-guard, the Committee will decide the issue in accordance with the guidelines for providing body-guards.

Considering the rival submissions of the parties, the question whether the petitioner deserves the police body-guard or not, it has to be decided by the Committee specially



constituted for it. Previously, for providing police body-guard, there used to be a Committee at the District level, known as District Security Committee and at the Divisional Level, known as Divisional Security Committee, constituted vide Resolution No. 16434 dated 13.12.1999, issued by the Department of Home, Special Branch, Government of Bihar, but in view of the directives of Ministry of Home, Government of India, vide Memo No. 3663, dated 2nd May, 2017, issued under the signature of Additional Secretary, Department of Home, Special Branch, Government of Bihar, the District Level and Divisional Level Security Committee have been dissolved and a State Level Committee, known as Special Security Committee has been constituted, under the Chairmanship of Director General, Security, Bihar with Superintendent of Police, Security, Bihar and Assistant to Director General, (Q) as its member and parameters have been fixed for providing body-guards by the State by categorizing different people. The said Committee specified different category of public authorities including the prosecution authorities as well as the administrative officers and police officers for providing body-guards. Clause 3 of the said parameters suggests that the meeting of the Special Committee has to be held once in a month.



In the circumstances, the petitioner is permitted to submit an application before Respondent No.3, the District Magistrate, Patna within a period of three weeks from the date of receipt/production of a copy of this order, who will recommend the said application to the Special Security Committee and the Special Security Committee will dispose of the application of the petitioner within a period of eight weeks from its submission.

Accordingly, with the observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

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