

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7174 of 2018

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Raj Kishor Prasad @ Pappu Yadav, son of Sri Genalal Yadav, resident of
Village + P.O.-Kamdeo Dih, P.S. -Katoria, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Additional Secretary, Department of Home, Government of Bihar, Patna.
4. The Director General of Police, government of Bihar, Patna.
5. The Assistant Director General of Police, (Q), Bihar, Patna.
6. The Inspector General of Police (Security), Bihar, Patna.
7. The Superintendent of Police (Security), Bihar, Patna
8. The Superintendent of Police, Banka
9. The District Magistrate, Banka
10. The Bihar Legislative Assembly through its Secretary, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey
For the Respondent/s : Mr. Partha Sarthi- Ga4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 16-04-2018

The present writ application has been filed for a direction to the respondent authorities to immediately provide security to the petitioner, who is ex Member of Bihar Legislative Assembly and belonging to extremist affected area of Banka district.

It is submitted by learned counsel for the petitioner that the petitioner represented Katoria Assembly Constituency of Banka district for two terms, though, at present, he is not the Member of any Legislative Assembly. It is contended that Belhar and Katoria Assembly Constituencies of Banka district



are extremely extremist affected. The petitioner being a public representative visits his constituency is also taking efforts to create awareness among the people against the extremists and criminals, hence, he is apprehending serious threat to his life at the behest of the extremist and criminals of the constituency.

Mr. Parth Sarthi, learned Counsel for the respondent-State has brought in notice of this Court to the Resolution issued by the Home Department (Special Cell), Govt. of Bihar, dated 01.08.2014, as contained in Annexure-14, issued under the signature of Additional Secretary to the Govt.. A copy of the same has been forwarded to the I.T., Manager, Home Department, Bihar vide Memo No. VIP-01-08/2014 3663, dated 2nd May, 2017, whereby, the parameters have been laid down for providing security to different dignitaries, including the MLA/ex-MLA, belonging to extremists affected area. In Clause (2) of the said Resolution, ex-MLA's name figures at Sr. No. (ख) vii. Clause 3 of the said Resolution, which, suggests that if any person makes an application for providing security, then the Superintendent of Police and the Deputy Superintendent of Police (Special Branch)/ officer of the District Special Cell after making enquiry on certain points, as stipulated in Clause 3 ख will submit a report to the Special Security



Committee,consisting of Inspector General of Police (Security), Superintendent of Police (Security) and Assistant (Q) of Director General of Police, Bihar to that effect.

Though a statement has been made in paragraph no.13 of the writ application that the petitioner intimated to the different authorities, like Speaker of the Bihar Legislative Assembly, DGP, Bihar, IG (security), S.P. and D.M., Banka for providing security to him, but no specific averment has been made to the effect that whether the application has been made under the Resolution, as contained in Annexure-1.

Learned counsel for the petitioner submits that if such application is submitted by the petitioner, then the same will be considered within the parameters, as contained in Annexure-1.

In the circumstances, the petitioner is permitted to submit a representation before the Superintendent of Police, Banka (respondent no. 8) and the District Magistrate, Banka (respondent no.9) within a period of two weeks from the date of the order and it is expected from the District Magistrate and Superintendent of Police, Banka to take a decision on the application of the petitioner with regard to forwarding it to the Special Security Committee within a period of four weeks from the date of filing of such application.



The writ application is, accordingly, disposed of with the observation aforementioned.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

