

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6687 of 2016

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Sheshnath Dwivedi, Son of Late Baccha Dwivedi, Resident of Village-
Gherai, P.S.- Aandar, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Home Department, Bihar,
Patna
2. The Director General of Police, Bihar, Patna
3. The District Magistrate, Siwan
4. The Superintendent of Police, Siwan
5. The Station Head Officer, Police Station- Aandar, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Manoj Kumar, AC to GP-9.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 02-11-2018

Heard Mr. Ashok Kumar, learned counsel for the
petitioner and Mr. Manoj Kumar, learned AC to GA-9 for the
respondent-State.

Though the present writ application was registered on
12.04.2016, 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 police security to



the petitioner as the petitioner is apprehending threat to his life and property.

It is submitted by learned counsel for the petitioner that the petitioner is a Panchayat Teacher at New Primary School, Ghoosi Tola, in the District of Siwan. On 18.04.2015, some of the accused persons, namely Monu Dubey, Sonu Dubey, Brajesh Pandey and Sandeep Pandey, though they have not been made party respondent, attempted to kill the petitioner, leading to registration of Aandar P.S. Case No. 44 of 2015, with accusation under Sections 341, 323, 307, 504 and 506/34 of the IPC and Section 27 of the Arms Act. In view of the aforesaid incident and threat perception, the petitioner made representation before Respondent No.3, the District Magistrate, Siwan on 18.04.2015, as contained in Annexure-2, for providing him security guard. The petitioner also made representation before Respondent No.4, the Superintendent of Police, Siwan on 05.05.2015, as contained in Annexure-3. Thereafter, the petitioner again submitted representations before Respondent Nos. 2 to 4, the Director General of Police, the District Magistrate, Siwan and Superintendent of Police, Siwan, respectively, for providing protection to him on 05.06.2015, as contained in Annexure-4 for providing him protection. Subsequently, when action was not



taken, the petitioner again made a representation before Respondent Nos. 3 and 4, the District Magistrate and Superintendent of Police, Siwan, respectively, on 09.01.2016, as contained in Annexure-6, but till date, police protection has not been provided to the petitioner. Hence, the present writ application.

Learned AC to SC 9 submits that at present, he is not having any instruction, whether any action has been taken on the petitioner's application or not but he further submits that if the representations of the petitioner have not been disposed of till date, the same will be disposed of within a specified time frame.

Considering the rival submissions of the parties, this Court is of the view that local administration is in better position to assess the threat perception and the nature of security to be provided.

In the circumstances, it is expected from Respondent Nos. 3 and 4, the District Magistrate and Superintendent of Police, Siwan respectively to dispose of the representations of the petitioner, if already have not been disposed of, within a period of four weeks from the date of receipt/production of a copy of this order.



Accordingly, with the above observations/directions, the
present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.11.2018
Transmission Date	

