

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13776 of 2016

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Mahesh Kumar Singh, Son of Late Rajendra Prasad Singh, R/o 304, Puspak Complex, Marwari Awas, Campus, Frezer Road, P.S.- Kotwali, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Director General of Police, Bihar, Patna.
2. The Director, General of Police, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Adv.
For the Respondent/s : Mr. Dhurendra Kumar, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2018 Heard learned counsels for the petitioner and the respondent-State.

The present writ application has been filed for a direction to the respondent authorities to restore the bodyguard of the petitioner which was provided earlier by the authority concerned, but the same was withdrawn during Panchayat elections.

It is submitted by learned counsel for the petitioner that the petitioner is the Editor of a monthly magazine, namely, Hamara Dinman and in retaliation to the honest reporting petitioner is facing and apprehending threat to his life from some anti-social elements. It is also submitted that earlier anti-social elements attempted to stop such publication of the said



magazine and they also killed the Assistant Editor of the Magazine, namely, Dr. Bidhadhan Tiwary on 13.03.2003, leading to registration of Patliputra P.S. Case No. 24 of 2003 against unknown persons, with accusation under Sections 302/34 of the I.P.C. Thereafter, threat was also given to the life of the petitioner. As a result, the petitioner submitted proper application to the authorities concerned for providing him a bodyguard. Consequently, the local police, recommended in favour of the petitioner for providing him bodyguard. Thereafter, bodyguard was provided to the petitioner in 2003, but the Sr. Superintendent of Police, vide Memo No.9317, dated 10.05.2006, as contained in Annexure-3, withdrew the bodyguard by directing him to report to the police line, on account of Panchayat elections. Since, thereafter, the petitioner submitted several representations before the concerned authority for restoring the protection by providing him a bodyguard, but the bodyguard has not been provided to him till date, which gets reflected from Annexure-4. Hence, the present writ application.

Learned counsel for the respondent-State, submits that, at present, he is not having any instruction, whether the application of the petitioner has been disposed of or not. However, he further submits that if the petitioner submits an



appropriate application, the same will be considered by the authorities concerned with a reasonable time frame.

Considering the fact that the writ application was registered on 19.08.2016, but no counter affidavit has been filed till date, this Court is not inclined to adjourn the matter any further. However, from the pleadings of the writ application it appears that the bodyguard was withdrawn in 2006 and the writ application was preferred in 2016, i.e. ten years after withdrawal of the bodyguard.

In the circumstances, any direction for restoration of the bodyguard does not appear to be reasonable as the necessity of providing the petitioner a bodyguard has to be ascertained afresh. However, keeping in view the nature of profession of the petitioner and the fact that the State has the responsibility to provide security to its citizens in the State, the petitioner is permitted to submit a representation before the appropriate authority i.e. District Level/Divisional Level as well as State Level Security Committee constituted to adjudicate the issue of providing him a bodyguard, within a period of four weeks, whereupon, it is expected from the authority concerned to take a decision on the application of the petitioner within a period of six weeks, on its filing, in accordance with law.



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

(Dinesh Kumar Singh, J)

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