

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11953 of 2018

Subhash Prasad Yadav, Son of Premadhar Roy, Bansidhar Construction Pvt. Ltd., Patna, Maner, District- Patna, at present, Village- Takiyapar, Nariyal Ghat, Danapur, P.S.- Danapur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Home Department, Bihar, Patna.
2. The Inspector General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Addl. Superintendent of Police, Danapur, Patna.
5. The Deputy Superintendent of Police, Danapur, Patna.
6. The Inspector General of Police (Security), Special Branch, Bihar, Patna.
7. The Superintendent of Police, Town West Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Naresh Dixit, Adv. Dhaneshwar Prasad Gupta
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC 8 Mr. Anil Kumar, AC to SC 8.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 29-10-2018

Heard Mr. Naresh Dixit, learned counsel for the petitioner and Mr. Anil Kumar, learned AC to SC 8 for the Respondent-State.

The present writ application has been filed for a direction to the respondent authorities to provide a body-guard to the petitioner for security to the life and property of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is a social worker, contractor and businessman,



therefore he is apprehending threat to his life and property. Earlier also on the application of the petitioner, keeping in view the threat perception, the petitioner was provided body-guard in the year 2012 and from 2016 to 2017, but subsequently, the same was withdrawn by the respondent authorities.

It is further submitted that Officer-in-Charge-cum-Inspector of Police, Danapur Police Station, vide Letter No. 07.04.2018, as contained in Annexure-4, intimated the Superintendent of Police, Special Branch, Patna, that during enquiry, it was found that there is likelihood of threat to the life and property of the petitioner, hence, he may be provided body-guard.

It is further submitted by learned counsel for the petitioner that Special Security Committee vide Resolution Dated 14.09.2018, decided to provide the body-guard to the petitioner on payment basis for six months with specific direction to change the body-guard provided to him within six months. The petitioner apprehends that even if he is ready to make payment for the body-guard provided to him, the change of his body-guard after every six months, will jeopardize the security of the petitioner and hence, the present writ application.



It is further submitted that the decision of the Special Security Committee dated 14.09.2018 reflects that Sr. S.P., Patna has recommended for providing him a body-guard and the said recommendation does not stipulate any specific time frame.

Learned AC to SC 8 submits that the petitioner has been provided a body-guard for six months and again thereafter, his requirement of a body-guard will be reviewed with regard to threat perception and if it is found that the threat perception still persists to the petitioner, then the period for providing body-guard will be extended.

Having heard learned counsels for the parties, this Court is of the view that the State is obliged to provide security to its citizens, however, the term and condition for providing security varies from person to person, hence the concerned Special Committee is empowered to take a decision in this regard.

It appears that threat perception to the petitioner has been persisting since 2012.

In the circumstances, it is expected from the Special Security Committee to take a decision with regard to extension of period for providing body-guard at least four weeks prior to the withdrawal of the body-guard already provided to him and intimation to that effect may be given to the petitioner.



Until a review of the threat perception to the petitioner is made and specific decision is taken, the body-guard will not be withdrawn provided the petitioner fulfills the terms and conditions.

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

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2018
Transmission Date	

