

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.444 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District-

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Shiv Prasad Ram aged about 66 years (Male) Son of Late Ram Bali Ram
Resident of Village - Bagmazua, P.S.- Koilwar, Distt.- Bhojpur, Presently
residing at Village - Nawadiha, P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Home,
Government of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Rural Superintendent of Police, Patna.
6. The Officer in Charge, Naubatpur Police Station, Distt.- Patna
7. Usha Kumari @ Guria Devi, Wife of Vikash Kumar, Resident of Mohalla-
Ashok Nagar Road No.5, Kankarbagh, P.S.- Kankarbagh, Distt.- Patna
8. Vikash Kumar Son of Not Known to the Petitioner, Resident of Mohalla-
Ashok Nagar Road No.5, Kankarbagh, P.S.- Kankarbagh, distt.- Patna

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Sarvan Kumar, Advocate
For the Respondent/s	:	Mr. M. Nasrul Huda Khan, SC-1
		Ms. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-03-2019

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner has filed the instant writ
petition for directing the respondents to provide him protection
and security from respondent nos.7 and 8.



3. Learned counsel for the petitioner submitted that the petitioner is a retired police inspector. After retirement, he was living with his wife in his house situated at Ashok Nagar, Road No.5, Kankarbagh, Patna. Since, he is issueless, so he kept respondent no. 7, who is the daughter of his wife's sister, as a daughter since her childhood. The wife of the petitioner died in March, 2016. After her death, respondent no.7 and her husband (respondent no.8) have changed their behaviour against the petitioner. In March, 2017, respondent no.7 withdrew Rs.6 lakhs from the joint account of the petitioner without his knowledge. Thereafter, respondent nos.7 and 8 took signature of the petitioner forcefully on a blank cheque and withdrew Rs.21.50 lakhs from his account. Both the private respondents are threatening the petitioner and he has apprehension that they may kill him.

4. On the basis of the aforesaid submissions, learned counsel for the petitioner submitted that a direction be issued to the respondent authorities to protect life and property of the petitioner from the hands of respondent nos. 7 and 8.

5. *Per contra*, learned counsel appearing for the State submitted that the allegations made in the present writ petition would constitute a cognizable offence. If a cognizable



offence has taken place, the petitioner ought to have taken steps under Sections 154(1) and 154(3) of the Code of Criminal Procedure first against the respondent nos. 7 and 8, but no such steps have been taken so far. The petitioner has also not filed any complaint in the court of Magistrate. Hence, merely on the basis of unverified allegations, no direction should be issued by this Court, as prayed for in the instant writ petition.

6. I have heard learned counsel for the parties.

7. I find force in the submissions of learned counsel for the State. It would not be proper for this Court to assess threat perception upon the life of the petitioner. In case, there is any threat to the life of the petitioner at the hands of respondent nos. 7 and 8, he should file proper representation to the respondent nos. 4 and 5 in this regard, who may assess the threat perception and do the needful. As far as the criminal action of the respondent nos. 7 and 8, as alleged in the writ petition, is concerned, the petitioner may take appropriate legal action either before the police or in case of refusal by the police to institute an FIR before the Court by way of filing complaint under Sections 190 and 200 of the Code of Criminal Procedure.

8. For the present, no relief can be granted to the petitioner under the extraordinary writ jurisdiction.



9. With the aforesaid observations, the writ
petition is disposed of.

(Ashwani Kumar Singh, J)

kanchan/SKSuman

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.03.2019
Transmission Date	

