

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22396 of 2018

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Biswajeet Kumar Son of Shankar Jha, Resident of Sipahi tola, Dollar House Chowk, P.S. K. Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. The District Magistrate, Purnea.
3. The Superintendent of Police, Purnea.
4. The Officer-in-Charge, K. Hat Police Station, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar Choudhary, Adv.
	:	Mr. Amish Kumar, Adv.
For the Respondent/s	:	Mr. Mithilesh Pd. Singh, A.C. to G.A. 4

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 22-05-2019

Heard the parties.

2. This writ petition has been filed on behalf of petitioner for direction to the respondent authorities to restore the security guard which was earlier provided to petitioner in the year 2014 and was withdrawn in September, 2018, although threat to the life and liberty of the petitioner still persists. It has been further prayed that one additional security guard may be provided to petitioner keeping in view the threat perception.

3. Petitioner is proprietor of Maa Kamakhya Construction, Purnea engaged in Road Construction Primarily in the district of Purnea, Araria, Forbesganj, Banka and Bhagalpur



which are pre-dominantly tribble and Naxalite belt. His father is proprietor of Baba Construction which is also engaged in construction work.

4. An attempt was made on the life of petitioner in the year 2012 in which petitioner sustained grievous firearm injury for which Barhara P.S. Case No. 18 of 2012 was instituted under Section 307/34 of I.P.C. against accused persons. Owing to said incident petitioner was provided security guard upon payment of requisite fees in the year 2014. He had represented for providing additional security guard to him. On 09.05.2018 robbery was committed in Baba Construction which is a sister concern of petitioner Maa Kamakhya Construction for which Kursakata (Kuwari) P.S. Case No. 96 of 2018 was instituted under different Sections of Indian Penal Code. The land of petitioner and his family measuring 2.17 acres has been forcibly encroached by tribal people against which proceedings are continuing in the court of Sub-Divisional Officer, Sadar Purnea. However, although the local police as well as Superintendent of Police after enquiry recommended for providing additional security guard but strangely even the security guard provided to petitioner was withdrawn.

5. Counter affidavit has been filed on behalf of



respondent Nos. 2 and 3 in which it has been stated that bodyguard was provided to petitioner on 09.07.2014 as per Resolution dated 17.09.2014 of District Security Committee. However, said bodyguard was withdrawn on 16.09.2018 after threat assessment in view of Resolution dated 02.05.2017 of Department of Home, Special Branch, Bihar, Patna.

6. It has been further stated in counter affidavit that in compliance of letter dated 11.05.2018 and 18.07.2018 of Inspector General (Security), Special Branch, Bihar, Patna regarding threat on the life of writ petitioner and for deputation of a bodyguard, report was called for and S.D.P.O., Purnea Sadar in his report dated 24.07.2018 disclosed that petitioner is having a N.P. Bore Pistol and rifle in his own name. His mother and father are also having N.P. Bore Pistol and rifle and has not recommended for providing bodyguard to petitioner. It was further reported that at present no threat perception to the life and liberty of petitioner or any immediate danger to his life by anti-social elements have been noticed.

7. A supplementary affidavit has been filed on behalf of petitioner in which it has been stated that during pendency of writ petition extremists have attacked on 03.03.2019 and 04.03.2019 at his site of construction at Belharna Dam in the



district of Banka against which Belhar P.S. Case No. 54 of 2019 dated 06.03.2019 has been registered under different Sections of I.P.C. and Arms Act and as such the decision to withdraw the security guard requires to be reviewed.

8. At this juncture counsel for the petitioner has made a limited prayer that he would be filing a detail representation before the I.G., Security, Special Branch, Bihar Patna who shall consider the same and pass a reasoned order.

9. The writ petition is disposed of with liberty to petitioner to submit a detail representation to the I.G., Security, Special Branch, Government of Bihar, Patna who shall consider the representation of petitioner in accordance with law and pass an appropriate and reasoned order within six months from date of receipt/production of a copy of this order passed by this Court.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.05.2019
Transmission Date	N.A.

