

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.433 of 2018

Arising Out of PS. Case No.-396 Year-2017 Thana- MAJORGANJ District- Sitamarhi

Khushbu Kumari Wife of Jitendra Baitha, Resident of Village-Dihthi, P.S.-
Sahiyara, District Sitamarhi.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Deputy Superintendent of Police, Sitamarhi.
6. The Officer-in-Charge of Sahiyara Police Station, Dist. Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate
For the Respondent/s : Mr.Manoj Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2022 Heard Mr. Subodh Kumar, learned counsel for the
petitioner.

Petitioner in this case is seeking the following reliefs:-

“(i) For issuance of writ in the nature of mandamus commanding and directing the respondents authority to provide security guard to the petitioner as the petitioner having danger of life and so many cases are pending filed by the husband and brother of the petitioner against threat and occurrence took place.

(ii) For further direction to the Respondents authority to provide necessary security to the petitioner and direction to the Respondents authority to dispose of the representation of the petitioner by reasoned and speaking order



within time framed.

(iii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

It is stated in the writ application that the petitioner entered into an inter-caste marriage with one Jitendra Baitha, which has not been accepted by her father. She claims to have made a statement under Section 164 Cr.P.C. before the learned Magistrate wherein she has stated that on her own will and volition without any pressure from anybody she has married with Jitendra Baitha. After the investigation, police has submitted a final form.

The petitioner has stated that she had an apprehension and threat to her life and the life of her husband, therefore, she has submitted an informatory petition to the Sub-Divisional Magistrate, Sitamarhi on 15.11.2017 (Annexure-‘3’). Thereafter, one occurrence took place on 19.11.2017 with the petitioner for which one Sahiyara P.S. Case no. 179 of 2015 was lodged under Sections 324, 307, 504, 506 and 379 of the Indian Penal Code by the brother-in-law(Bhaisur) of the petitioner. Thereafter, the husband of the petitioner was assaulted by the criminals for which one Sahiyara P.S. Case no. 181 of 2017 was also lodged.

The petitioner submits that as the petitioner is having



a business of a petrol pump and other business too a rangdari was also demanded by unknown criminals for which one Sahiyara P.S. Case no. 08/2010 has been registered and in which the police has submitted the chargesheet. The case of the petitioner is that she and her family members are regularly getting threat perception and in this regard, she has filed many applications before the Officer-In-Charge of the concerned police station but no action has been taken thereon. In this regard, she has also submitted the representation to the Inspector General of Police, Deputy Inspector General of Police and Superintendent of Police, Sitamarhi. Copies of those representations have been brought on record as Annexure '6 series'.

Even as this writ application was filed in the year 2018 after serving copies thereof on the State, no counter affidavit has been filed.

In the given facts and circumstances of the case, instead of keeping the writ application pending, this Court deems it just and proper to direct the Superintendent of Police, Sitamarhi to look into the representation of the petitioner as contained in Annexure '6 series', give her an opportunity of hearing and examine threat perception of the petitioner and her



family whereupon an appropriate decision shall be taken. If she and her family members require any protection from the criminal elements, the Superintendent of Police, Sitamarhi is expected to take an appropriate decision to protect their life and property.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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