

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.669 of 2021

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

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Shyam Sunder @ Shyam Sunder Chaudhary S/O Late Satyanarayan R/O Village-Railly, P.S-N.T.P.C, Barh, District-Patna At Present R/O A-137, Pocket-G, Gali No.4, A-Block, Delhi Sonia Vihar, P.S-Khajoori Khas, North East Delhi.

... .. Petitioner

Versus

1. The State of Bihar
 2. The Chief Secretary Govt. of Bihar
 3. The Director General of Police, Bihar, Patna.
 4. The Inspector General of Police, North Gandhi Maidan, Patna
 5. The District Collector, Patna, Bihar
 6. The Senior Superintendent Of Police, Patna, Bihar
 7. The Deputy Superintendent Of Police, Barh, Patna, Bihar.
 8. The Officer In Charge, N.T.P.C. P.S, Barh, Patna, Bihar
 9. The Officer In Charge Pandarak P.S., Patna Bihar.
 10. Pashupati Singh @ Karu Singh
 11. Sunil Singh, both are sons of Mahesh Prasad Singh
 12. Vipin Sharma @ Chunu Singh S/O Late Chandra Mauli Singh
 13. Anand Prakash S/O Arun Singh
 14. Ballabh Singh S/O Shalinder Singh
 15. Arun Singh S/O Late Saryug Singh
 16. Hemant Kumar S/O Arun Singh
- All are resident of village - Railly, P.S. - N.T.P.C, Barh, District-Patna, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr.Ajay Kumar Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-09-2022 Learned counsel for the petitioner has mentioned the matter for urgent hearing.

Petitioner, in the present case, is seeking a direction to the respondent authorities to give safety, security, protection of life



and property of the petitioner and his family members from the respondent nos. 10 to 16.

It appears on perusal of the writ application that petitioner claims to be the resident of village Raily P.S.- N.T.P.C., Barh in the district of Patna. According to him, he is having his paternal house in the said village. Till the year 2000 he was residing there but from the year 2000 respondent No. 10 to 16 are regularly threatening the petitioner and his family. The respondent No. 10-16 are said to be the neighbours of the petitioner.

It is further stated that on the basis of the information furnished by the petitioner to the Deputy Superintendent of Police, Barh, a proceeding under Section 107 Cr.P.C. was initiated by the police and the same was sent to the S.D.O., Barh on 24.03.2001 but the petitioner submits that a false report had been submitted stating that the petitioner had taken Rs 25,000/- from the private respondent. The petitioner has complained that the private respondents are involved in a murder case being Pandark P.S. Case No. 32 of 2001. It is stated that on 26.04.2002 when he appeared in the court of S.D.O., Barh in Case No. 1231 of 2001 under Section 107 of Cr.P.C. the private respondents attacked him in the court premises and further threatened him. The petitioner submits that due to the threat of the private respondents the petitioner and his family had left the



village.

Earlier the petitioner approached the Hon. Supreme Court in Writ Petition(Criminal) No. 369 of 2019 which was disposed of vide order dated 06.01.2020 with liberty to approach the High Court for appropriate reliefs.

Learned counsel for the petitioner submits that this Court passed a common order dated 09.09.2022 in Cr. W.J.C. No. 153 of 2017 with analogous cases. The grievance of the petitioner may also be taken care of under one of the directions contained therein.

This Court finds that in the entire writ application the petitioner has submitted that he has threat from the private respondents. At this stage, this Court has no material to take an appropriate view of the matter. If the petitioner and his family have any threat to his/their lives, they may file an application duly supported by all materials to the Senior Superintendent of Police / Superintendent of Police and the S.H.O. of the concerned region/Police Station.

If any such representation/application is filed, the same shall be considered by the Senior Superintendent of Police/ Superintendent of Police/ S.H.O. and the threat perception of the petitioner and his family shall be examined independently. Upon proper examination of the grievance of the petitioner, an adequate



view of the matter shall be taken by those authorities. In case it is found that the petitioner or his family has got threat perception, their application is required to be considered by a competent body for providing security to them and appropriate steps in this regard shall be taken by the competent body. Such decision shall be taken within a period of 90 days from the date of submission of the application by the petitioner.

This Writ application stands disposed of accordingly.

This Court makes it clear that this Court has not formed any opinion on the allegation made by the petitioner and no inference in this regard shall be drawn by the competent authorities. They shall act independently.

(Rajeev Ranjan Prasad, J.)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

