

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2366 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

Ashok Kumar S/o Late Ram Kishore Sharma, R/o Village- Paharpur, P.S.-
Kaler, District- Arwal, presently residing at Telpa Kothi, Kadamkuan, P.S.-
Kadamkuan, 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, Patna.
3. The District Magistrate, Arwal.
4. The Superintendent of Police, Arwal.
5. The Sub Divisional Officer, Arwal.
6. The Station House Officer, Banshi P.S., District- Arwal.

... .. Respondents

Appearance :

For the Petitioner/s	:	Ms.Nivedita Nirvikar, Sr. Advocate Mr.Manoj Kumar, Advocate. Mr.Rishabh Mishra, Advocate
For the Respondent/s	:	Mr.Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-11-2022 Heard learned senior counsel for the petitioner and Mr.
Iqbal Asif Niazi, learned AC to GP-5 for the State.

This writ application has been filed seeking a writ in the
nature of a writ of Mandamus commanding the respondents to
provide security guards to the petitioner for the safety of his life and
property.

Learned Senior Counsel for the petitioner submits that at
the relevant time, when this writ application was filed this petitioner
was engaged as a Professor in the Department of English, Bihar
National College, Patna University and he happened to be the Vice-



President of the Bihar Nationalist Congress Party. It is his case that his village and the village properties are situated in Naxal affected district of Arwal.

Learned Senior Counsel submits that a constant fight over the grabbing of the property of the petitioner by the Naxals has continued over the years. Under this situation, the petitioner got some threat perceptions at the hands of the naxals who had forcefully possessed some piece of land at one point of time. The petitioner represented to the District Magistrate and Superintendent of Police, Arwal on 12.12.2013 praying therein for providing a bodyguard. Copy of the representation is Annexure '1 series' to this application.

Learned Senior Counsel submits that the petitioner being a citizen of India, it is the bounden duty of the State and the district administration to provide adequate security to the petitioner and his family members but even repeated requests did not yield any result, once again representations were made vide Annexure '2 series'.

It appears from the records that a counter affidavit was filed in this case on or about 04.01.2018. With the counter affidavit the District Magistrate, Arwal has enclosed a copy of Memo no. 220 dated 07.04.2017 as Annexure 'B'. This is the minutes of the meeting of the District Security Committee held on 07.04.2017 of the district Arwal.

Learned senior counsel for the petitioner points out that in



Paragraph '4' of the minutes, the decision of the Security Committee has been recorded. The Committee has though refused to provide body guards on permanent basis but has taken a decision that in case of his visit to his village from Patna, if the petitioner feels any threat, he will inform this aspect of the matter to the local police station and the local police station shall provide him security on temporary basis.

Learned counsel submits that now the petitioner has retired from service and he is spending more time in his village, therefore, the petitioner requires this temporary arrangement towards his security to be extended during his stay in the village.

Mr. Iqbal Asif Niazi, learned AC to GP-5 for the State submits that if the petitioner has any such threat perception during his stay at his village, he may represent in this regard to the Superintendent of Police, Arwal (Respondent no. 4) and bring it to the notice of Respondent no. 4 who will take an appropriate decision thereon and will ensure that the life and property of the petitioner is not put to danger during his stay in the village.

Having regard to the facts and circumstances of the case, this Court finds that the District Security Committee has earlier taken a decision to provide temporary security to the petitioner during his visit to his village. In case the petitioner finds any threat to his life, liberty and property during his stay in the village, he is at liberty to bring it to the notice of the Superintendent of Police, Arwal



(Respondent no. 4) and the Officer-In-Charge of the police station within whose jurisdiction the petitioner resides. On receipt of such information, the Superintendent of Police, Arwal is expected to act swiftly and take an appropriate decision thereon keeping in mind that in this democratic country of India the State has the obligations towards its citizens and the principle of *parens patriae* is to be kept in mind wherein the State being in the shoes of a parent for its citizens has to provide protection to the citizen of the country. The respondent no. 4 shall ensure that the life, liberty and property of the petitioner be not put to danger during his stay.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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