

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1283 of 2021

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Jitendra Kumar Yadav Son of Sri Tileshwar Prasad Yadav Resident of
Mohalla- Postal Park, P.s.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Additional Director General of Police (Special Branch) Intelligence and Security Division, Bihar Police, Patna
4. The Special Committee, Bihar Police Headquarter through its Chairman Inspector General of Police (Security), Intelligence and Security Division, Bihar Police, Patna
5. The Inspector General of Police (Security), Intelligence and Security Division, Bihar Police, Patna
6. The Deputy Inspector General of Police (Security), Intelligence and Security Division, Bihar Police, Patna
7. The Senior Superintendent of Police, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Akshansh Ankit, Advocate
For the Respondent/s	:	Mr. Sanjay Parasmani, A.C to G.P-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 20-04-2022

Heard Mr. Rajendra Narain, learned senior counsel for
the petitioner and Mr. Sanjay Parasmani, learned A.C. to G.P.-4 for
the State.

2. The present writ application has been filed by the
petitioner challenging the order dated 16.3.2020 whereby the
bodyguard allotted to him has been recalled and further for a
direction to allot a bodyguard to the petitioner in view of the fact
that the petitioner has got threat perception.



3. Learned senior counsel for the petitioner submits that earlier pursuant to the direction of this Court in CWJC No. 12880 of 2017 a bodyguard on payment basis was given to the petitioner vide letter dated 26.5.2018 for six months. However, the bodyguard continued with the petitioner and petitioner has been making payment fixed by the authorities continuously and at no point of time the petitioner has defaulted in payment. He further submits that it is not the case of the Respondent authorities that the petitioner has ever misused the privilege of bodyguard given to him. Referring to supplementary affidavit learned counsel submits that on 27.2.2021 an attack was made on the life of the petitioner by some unknown person for which the petitioner has lodged a First Information Report bearing Jakkanpur P.S. Case No. 108/2021 (Annexure P/8) in which the bodyguard of the petitioner received gun shot injury. He, thus, submits that in view of threat perception of the petitioner, the withdrawal of bodyguard from him, is completely arbitrary and amounts to endangering the life of the petitioner.

4. On the other hand, learned counsel for the State referring to the counter affidavit along with minutes of the Special Security Committee submits that a meeting of the Committee was held on 27.2.2020 and taking into consideration the report of the



Senior Superintendent of Police that the petitioner has no threat perception and that he is accused in three criminal cases, in which charge sheet has already been submitted, the committee decided to withdraw the bodyguard from the petitioner. He next submits that in further meeting held on 6.11.2020 on the representation of the petitioner and on the basis of the report of Senior Superintendent of Police again the request of the petitioner for allotment of bodyguard has been refused by the Security Committee.

5. I have heard learned counsel for the parties.

6. It appears that after the aforesaid two decisions of the Security Committee, there was an attack on the petitioner, for which, a First Information Report bearing Jakkanpur P.S. Case No. 108/2021 has been lodged and from perusal of the First Information Report, it appears that the bodyguard of the petitioner received injury. Accordingly, in my opinion, this aspect of the matter may be considered by the Security Committee afresh, for which, the petitioner is directed to file a representation before the Senior Superintendent of Police along with First Information Report lodged by him on 27.2.2021 within a period of four weeks, and if such a representation is filed, the respondent authority will take a decision upon the same in accordance with



law preferably within a period of two months from the date of filing of the representation of the petitioner.

7. With aforesaid observation and direction, this writ application is accordingly disposed of.

(Anil Kumar Sinha, J)

S.Ali/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.04.2022
Transmission Date	

