

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1816 of 2018

Arising Out of PS. Case No.-361 Year-2013 Thana- PATNA GRP CASE District- Patna

Dharamnath Yadav @ Dharma Kuli Son of Late Babulal Yadav, resident of Village- Khawaspur, Kulaifa Ke Tola, Police Station- Krishnagarh, District- Bhojpur at Ara, Presently residing at Gali No. 8, Chandmari Road, Police Station- Kankarbagh, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through The Principal Secretary, Home Department, Government of Bihar, Patna
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Additional Director General of Police (Law and Order) Government of Bihar Patna.
5. The Additional Director, General of Police, Rail Bihar, Patna.
6. The Deputy Inspector General of Police Rail Bihar, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Senior Superintendent of Police Rail, Patna.
9. The District Magistrate Cum Chairman District Level Security Committee, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Singh, Advocate
		Mr. Vivek Kumar Singh, Advocate
For the Respondent/s	:	Mr. Anil Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and Mr. Anil Kumar learned AC to SC-8 for the State.

Petitioner in this case is aggrieved by and dissatisfied with the order dated 18.10.2016 (annexure '1') passed by the District Level Security Committee under the chairmanship of the District Magistrate, Patna whereby and whereunder the committee has taken a view that the petitioner is being provided security



within the railway station premises and he has no further threat perception, therefore, his application for providing protection is rejected.

The background of the case may be found in the order dated 28.04.2016 passed by a learned co-ordinate Bench of this Court in Cr.W.J.C. No. 261 of 2015. In the said case, after considering the prayer of the petitioner to provide security as he is a seizure list witness in G.R.P. P.S. Case No. 361 of 2013 dated 27.10.2013, the learned co-ordinate Bench directed the petitioner to file an appropriate representation before the District Level Security Committee within two weeks and upon filing of such representation, the committee was directed to dispose of the same by a reasoned order within two months.

In the light of the aforesaid direction, the committee has considered the case of the petitioner vide the impugned decision.

Learned counsel for the petitioner submits that even though the trial of the case is over and the petitioner is getting protection in the railway station premises but he requires protection outside the railway premises as well. It is his submission that because this petitioner was a seizure list witness in G.R.P. P.S. Case No. 361 of 2013 in which one terrorist was caught at Patna Junction by this petitioner, he apprehends threat to his life.



A counter affidavit has been filed on behalf of the State. In paragraph '8' of the counter affidavit, the State has provided information as regards resolution contained in memo no. 3663 dated 02.05.2017 issued by the Department of Home (Special Branch), Government of Bihar whereunder a Special Security Committee has now been constituted which considers such application seeking deputation of bodyguards on the basis of the threats to the individuals. It is stated in paragraph '9' that the petitioner can make an application in accordance with the provisions laid down in the aforesaid resolution issued by the Government of Bihar.

In the given facts and circumstances, without going into the merit of the claim of the petitioner, this Court would grant liberty to him to file an appropriate application before the Special Security Committee which will be considered by the said committee in accordance with the guidelines contained in memo no. 3663 dated 02.05.2017 and an appropriate decision thereon shall be taken within a period of two months from the date of submission of the application.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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