

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.895 of 2023

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

Vishwanath Singh, Son of Baban Singh, Resident of Mohalla- Maharana Pratap Nagar, P.S.- Ara Town, District- Bhojpur, Permanent Resident of Village- Baligaon, P.S.- Ayar, District- Bhojpur

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Directorate, Prosecution Home Department, Govt. of Bihar, Patna.
3. The Deputy Director General of Police (Security) Bihar, Patna.
4. The Chairman Cum District & Session Judge, Bhojpur, Ara.
5. The Superintendent of Police, Bhojpur, Ara.
6. The Member Secretary cum District- Prosecution Officer, Bhojpur, Ara.
7. The Officer, Incharge, Ayar, Bhojpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Dharendra Singh, Advocate
For the Respondents	:	Mr. Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioner and learned
AC to SC-1 for the State.

2. Learned counsel for the petitioner submits that the petitioner is aggrieved by and dissatisfied with the order as contained in Letter No. 9346 dated 10.12.2022 issued by the office of the Superintendent of Police, Bhojpur by which the bodyguard provided to the petitioner has been withdrawn.

3. Learned counsel submits that the petitioner is a witness in four cases which may be found mentioned in the list of cases which were placed before the District Level Monitoring

Committee under the Witness Protection Scheme, 2018 in the meeting held on 11.06.2020. The said Committee had provided the protection to this petitioner taking note of the four cases in which he is a witness.

4. Learned counsel submits that till date in only one of the cases, the deposition of the petitioner has taken place, so far as other three cases are concerned, in those three cases, the petitioner is yet to be examined as a witness for the prosecution. In such circumstances, the withdrawal of bodyguard by the Superintendent of Police, Bhojpur vide Annexure '2' to the writ application is in conflict with the decision of the competent Committee under the Witness Protection Scheme, 2018.

5. Attention of this Court has been drawn towards the statements made in paragraph '5' of the writ application.

6. Learned counsel for the petitioner submits that the petitioner has approached various authorities for redressal of his grievance but nothing has been done in this regard. He has placed on record Annexure '3' and Annexure '4' to the writ application which are the request letters of the petitioner submitted before various authorities.

7. Mr. Md. Irshad, learned AC to SC-1 represents the State. It is submitted that in such circumstance, this Court may

direct the Superintendent of Police, Bhojpur to consider the grievance of the petitioner, take into account the entire facts and circumstances as also the provisions of the scheme in question and then review his order as contained in Annexure ‘2’.

8. Having regard to the aforementioned submissions, this Court directs the Superintendent of Police, Bhojpur to review his decision as contained in Annexure ‘2’ to the writ application after examining the grievance of the petitioner, particularly, the fact that he is a witness in other three cases in which he has still not been examined.

9. Such consideration be given within a period of one month from the date of receipt/production of a copy of this order and in case it is found that the grievance of the petitioner is correct, a fresh order shall be issued.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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