

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16768 of 2015

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Sahdeo Knodia son of Late Mul Chand Kanodia, Director, Amarpur
Construction Co. Pvt. Ltd., Amrpur, P.S.- Amrpur, District- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director General of Police, Govt. of Bihar, Patna
3. Inspector General of Police, Govt. of Bihar, Patna
4. Deputy Inspector General of Police, Bhagalpur
5. District Magistrate, cum Chairman of the District Security Committee,
Banka
6. Superintendent of Police, Banka
7. Deputy Superintendent of Police, Banka
8. Inspector cum Station House Officer, Amarpur, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Advocate
For the State : Mr. Gyan Prakash Ojha, GA-07

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 21-03-2025

Heard Mr. Prahalad Kumar Bhagat, learned counsel
for the petitioner and Mr. Gyan Prakash Ojha, learned GA-07 for
the State.

2. The petitioner has challenged the legality/validity of
letter dated 28.03.2014 (Annexure-5) and letter dated 27.08.2015
(Annexure-6) issued by the Superintendent of Police, Banka
(Respondent No. 6) by which the petitioner has been directed to
make payment of Rs. 12,90,650/- (Twelver Lakhs Ninety
Thousand and Six Hundred Fifty) against giving him a Body



Guard for the period from 08.05.2007 to 31.03.2013, total days 2153 as per report/objection made by Audit Team.

3. Learned counsel for the petitioner submits that the petitioner is a Social and Political Worker and also carried Government Contract Works with the help of his brother for his livelihood and time to time he used to give information to the Police about the criminal activities of the criminal persons and one Jhingala Mandal who had demanded ransom from the petitioner. Learned counsel for the petitioner submits that on request of the petitioner, the respondent authority had provided a Body Guard at the Government cost on 08.05.2007 but time to time the Body Guard was withdrawn on the eve of Election and later on the Body Guard was provided to the petitioner which continued till 31.03.2013. Learned counsel for the petitioner submits that while provide the Body Guard to the petitioner nothing was said that the petitioner is required to pay the bear of cost of the Body Guard rather the petitioner was provided Body Guard at the cost of Government because the petitioner is a Registered Government Contractor. A bare perusal of the letter dated 07.05.2013 which was issued vide Memo No. 726 stating therein that by the proposal no. 6 of the District Security Committee, a Body Guard was provided to the petitioner on payment basis and if you have not



made payment of the cost of the Body Guard to the office of the Respondent No. 6, with a warning that if payment is not made, the Body Guard would be withdrawn. Learned counsel for the petitioner submits that on receive of the aforesaid letter dated 07.05.2013, the petitioner has filed a detailed application before the District Magistrate-cum-Chairman of the District Security Committee and Superintendent of Police, Banka on 16.05.2013 stating therein that the petitioner was never told/informed earlier that the Body Guard was made available to the petitioner on payment of cost basis. Thereafter, the petitioner had received a letter dated 28.03.2014 by which the respondent had demanded Rs. 18,79,569/- (Eighteen Lakhs Seventy Nine Thousand and Five Hundred Sixty Nine). Learned counsel for the petitioner submits that in the earlier letter, the respondent had demanded Rs. 12,90,650/- (Twelve Lakhs Ninety Thousand and Six Hundred Fifty) of the cost of deputation of the Body Guard from 08.05.2007 to 31.03.2013. Learned counsel for the petitioner submits that the aforesaid amount demanding from the petitioner is not sustainable in the eye of law because the petitioner had not been earlier informed that the petitioner is required to pay cost of the Body Guard.



4. Learned counsel for the State has filed a detailed counter affidavit stating therein that as per proposal no. 6 of the District Security Committee, Banka vide Memo No. 610/C dated 31.03.2010, it has been clearly mentioned that a Body Guard was provided to the petitioner on the basis of payment. As per report and objection made by the Audit Team, the petitioner was directed to make payment of Rs. 18,79,569/- (Eighteen Lakhs Seventy Nine Thousand and Five Hundred Sixty Nine) against giving him a Body Guard for the period from 08.05.2007 to 31.03.2013. Thereafter, as per Audit Report dated 25.02.2015, the Respondent No. 6 had directed to the petitioner to make payment of Rs. 12,90,650/- (Twelve Lakhs Ninety Thousand and Six Hundred Fifty) against giving him a Body Guard for the period from 08.05.2007 to 31.03.2013. The Respondent No. 6 after perused the entire records regarding making payment of the cost of a Body Guard by the petitioner and Respondent No. 6 has found that in the year 2013-14 audit of the office of the Superintendent of Police, Banka was made by Audit Team regarding realization of revenue in which direction has been given to realize the cost of a Body Guard a sum of Rs. 18,79,569/- (Eighteen Lakhs Seventy Nine Thousand and Five Hundred Sixty Nine) for the period from 08.05.2007 to 31.03.2013 from the petitioner.



5. Learned counsel for the State fairly submits that now in the light of the order passed by the District Magistrate, Banka in the meeting of District Security Committee vide Memo No. 610/C dated 31.03.2010 only Rs. 9,26,735/- (Nine Lakhs Twenty Six Thousand Seven Hundred and Thirty Five), the cost of deputed Body Guard has to be realized from the petitioner and in this regard, information has been sent to the Deputy Comptroller, Finance (Audit) Department, Bihar, Patna by the Respondent No. 6 and the copy of the same was also sent to the petitioner to deposit the aforesaid amount and apart from that the Sergeant Major, Police Line, Banka and the Accountant, Police Office, Banka have jointly submitted report dated 30.05.2023, stating therein that earlier in the light of the order passed by the District Magistrate, Banka in the meeting of the District Security Committee dated 31.03.2010 only Rs. 9,26,735/- (Nine Lakhs Twenty Six Thousand Seven Hundred and Thirty Five) the cost of deputed Body Guard was to be realized from the petitioner and in this regard, the petitioner was also directed to deposit the said amount in the Accountant Section of the Office of the Respondent No. 6 but till date the petitioner has not deposited any amount as yet.



6. Having heard the counsel for the parties and perused the materials on record, it appears that initially the respondent has demanded Rs. 18,79,569/- (Eighteen Lakhs Seventy Nine Thousand and Five Hundred Sixty Nine) but later on the respondent authority has demanded only Rs. 9,26,735/- (Nine Lakhs Twenty Six Thousand Seven Hundred and Thirty Five) the cost of deputed Body Guard but the petitioner has not deposited a single penny before the concerned authority.

7. In view of the aforesaid, no case is made out for interference in the matter. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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