

**(2005) 02 PAT CK 0094**  
**In the Patna High Court**  
**Case No : CWJC No. 16154 of 2004**

Genesh Prasad Yadav

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision :** 09-02-2005

**Acts Referred:**

**Citation :** (2005) 1 PLJR 518

**Hon'ble Judges :** R.S. Garg, J

**Bench :** Single Bench

**Advocate :** S.D. Sanjay, S.J. Rahman, for the Respondent

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## Judgement

R.S. Garg, J.—Before I proceed with the matter I must record that every day at least one and sometimes more murders are committed in the township of Patna itself. In Bihar nobody knows how many murders are committed everyday. Theft, dacoity, armed dacoity, robbery, highway robbery, train dacoity is on the hilt. The number of crimes registered in the State of Bihar would speak bad nay would speak very bad about the law and order condition of the State. The extortionists are roaming freely; they are threatening the public. The commercial activities and business are closed. The industrialists have fled away from this State and as no source of earning is left to the common people, they have purchased illegal arms, which are available in the State of Bihar in abundance and with help and assistance of mobile/cell phones, they start giving threats to people that if particular extortion money is not paid the receiver of the call is likely to face danger. In number of cases the matters are not reported to the police and the money is paid but in number of cases when the man wants to act brave either he or his kith or kin are kidnapped and they are released only on payment of hefty amount of ransom. In many cases, when help and assistance of the police is sought, because of the inaction on the part of the police in this State the man is not freed, sometimes the kidnapped person is murdered and sometimes he gets himself freed from the clutches of the kidnapers after paying money after going in proper negotiations. Even in such cases the police takes the credit that

because of the pressure created by thorn the person could be freed. When the law and order situation is so bad, how would an ordinary man live and survive in this State. Any person who is affluent or holds some property is facing the danger everyday. Even from the police reports it appears that the persons lodged in jail are still operating these rackets, their henchmen/lieutenants are freely roaming and are pouncing upon the hapless and helpless prey. The police has agreed at many of the places that despite their best efforts they are unable to control the crimes because the same are being controlled and operated by the persons who are lodged in jail only with the help and assistance of a mobile. At many times, on a raid made in number of jails in presence of the high officials of the State Govt., mobile phones, CD players, CD, Televisions, liquor bottles, narcotic drugs, even illegal arms have been recovered. If this is so, why a man like the petitioner, who can afford some money to seek protection for his security be not held entitled to a security guard. Though the learned counsel for the Respondents says that if everybody starts apprehending danger to his personal safety, life and limb so also to the property it would be almost impossible for the State to provide the security guard but in the opinion of this Court this argument should be rejected at the threshold. If the conditions are not conducive, the public peace and tranquility are breached everyday and the State is unable to do anything in the subject, it cannot regain the confidence of the public or an ordinary citizen that he is safe then the Government, in fact, is failing in its duties, it adds insult to the injury when the application submitted by an ordinary citizen for provision of a bodyguard is not considered well in time.

2. Let the respondents file their counter in relation to the aforesaid observations and show to this Court that why the law and order situation in this State cannot be controlled and an ordinary man cannot take a good sleep without suffering the nightmares.

3. Put up on 24.2.2005.

4. Let copy of this order be supplied to both sides.

5. At this stage learned counsel for the petitioner submits that because of the ensuing elections the petitioner is receiving threats on and off and therefore as an interim measure till next date of hearing the services of the bodyguard may be provided to him. It is hereby directed that immediately services of a bodyguard would be made available to the petitioner until further orders from this court.