
(2003) 10 PAT CK 0007
In the Patna High Court
Case No : M.J.C. No. 2456 of 2000

Parwavi Devi

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 28-10-2003

Acts Referred:

Citation : (2003) 3 BLJR 2142 : (2005) 3 PLJR 329 : (2004) 2 PLJR 110

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

Bench : Single Bench

Judgement

R.S. Garg, J.—This Court while disposing of the writ application directed that proper protection be given to the petitioner and the respondents should also see that the petitioner is allowed to carry out his agricultural operations and that proper safety measures in favour of the petitioner and his family members be taken. The respondents in their counter have submitted that in accordance with the directions of this Court proper actions were taken. The petitioner has filed a rejoinder submitting that the respondents are not taking proper action in the matter. Placing reliance upon Annexure-8 it is submitted that in place of providing proper security to the petitioner, the Incharge of Hulasganj Police Station, Jehanabad has informed the petitioner that the petitioner should not move alone and as he is being threatened by Pradumn Sharma etc. the said Pradumn Sharma can kidnap the petitioner and the petitioner should put himself at a safe place.

2. The petitioner submits that such advice is not the protection as directed by this Court. The respondents in their counter have submitted that Jehanabad District is infested with the extremists and terrorists and despite facing the terror of the terrorists, they have provided sufficient security etc. Learned counsel for the petitioner, however, submits that if a Police Out Post is directed to be opened in his village (Rustampur) then the petitioner and many like him would be saved from the atrocities committed by the extremists/terrorists.

3. This Court can only express a pious hope but cannot issue any direction to the

State Government in its contempt jurisdiction. The State, however, should be advised that it should require its officers not to give such advice or direction to the petitioner because such advice in fact adversely affect the moral and morale of the public at large and the people will start feeling that the police is not in a position to curb the extremists activities or control the persons who are involved in such activities. If the Police Officer knows that Pradumn Sharma is chasing the petitioner to kidnap him then an action must be taken by the police against the said Pradumn Sharma. The police is not required to simply advice the public that they should stay at a safe place, the police is required to make every place safe for the public.

4. The petition is disposed of with the directions/observations aforesaid.

5. Let a copy of this order be sent to the Director General of Police, Bihar, the Superintendent of Police, Jehanabad and the Chief Secretary.