

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2343 of 2024

Rajesh Ranjan @ Pappu Yadav, Son of Chandra Narayan Yadav, R/o Village-
Arjun Bhawan, Arjun Nagar, VarddhmanHata, PS- Purnia, Distt.- Purnea

... .. Petitioner

Versus

1. The Union of India through The Home Secretary, Ministry of Home Affairs, Govt. of India, New Delhi
2. The Home Secretary, Ministry of Home Affairs, Govt. of India, Delhi
3. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
4. The Chief Secretary, Government of Bihar, Patna
5. The Home Secretary, Deptt. of Home, Govt. of Bihar Patna
6. The Director General of Police, Bihar, Patna
7. The Inspector General (Security), Bihar, Patna
8. The Superintendent of Police, Purnea Bihar
9. The Station House Officer, P.S.- Purnea, Purnea Bihar

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shivnandan Bharti, Advocate Mr. Kanishka Arora, Advocate Mr. Pintu Kumar Patel, Advocate Ms. Neha Kumari Singh, Advocate Ms. Priyanka, Advocate Ms. Sakshi Goyal, Advocate Mr. Ujjwal Ranjan, Advocate
For the Union of India	:	Mr. Bindhyachal Rai, Sr. Panel Counsel
For the State	:	Mr. Kinkar Kumar, S.C.-9 Ms. Vagisha Pragya Vacaknavi, A.C. to S.C.-9 Ms. Sushmita Sharma, A.C. to S.C.-9

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 14-05-2026

The writ petitioner is a sitting member of Parliament from Purnia Loksabha Constituency and, presently, he is provided with 'Y' category security cover, however, by the writ petition, he is seeking enhancement of the same in view of the threats to



his life and property on account of persistent threats from Lawrence Bishnoi gang and Chhotu Yadav gang. In this regard, he has made several representations to the Government of Bihar as well as Union of India. He has also lodged an FIR against Chhotu Yadav gang.

2. A counter affidavit has been also filed on behalf of Respondent No. 8, Superintendent of Police, Purnia.

3. I heard learned counsel for the Petitioner, learned Standing Counsel for the State of Bihar and learned Senior Panel Counsel for the Union of India.

4. It transpires from the statements at bar from both sides that the petitioner was having 'Y' category security at the time of filing the present petition. However, subsequently, vide order dated 09.08.2025, the Government of Bihar decided to provide 'Y+' security cover to the petitioner. But subsequently, vide decision dated 23.09.2025, the Government of Bihar, scaled down the security cover of the petitioner from 'Y+' to 'Y' category. As such, undisputedly the petitioner is having 'Y' category security at present.

5. Learned counsel for the petitioner submits that no communication was made to the petitioner regarding upgrading of his security cover from 'Y' to 'Y+' vide order dated



09.08.2025 or scaling down of his security from 'Y+' to 'Y' category vide order dated 23.09.2025.

6. He also submits that no input whatsoever was invited from the petitioner while scaling down his security cover vide order dated 23.09.2025, offending well established Principles of Natural Justice. The assessment of threat perception cannot be arbitrary, opaque or bereft of procedural fairness.

7. He also submits that conferment of security is not a matter of privilege but is intrinsically linked to the fundamental right to life and liberty as guaranteed under Article 21 of the Constitution of India. Hence, any decision either granting, modifying or withdrawal of such protection must be informed by objective material and adherence to fairness in decision making. Hence, the order dated 23.09.2025 is not sustainable and is, accordingly, liable to the set aside.

8. He further submits that in view of serious and persistent threats to the life and property of the petitioner, he requires at least 'Z' category security. However, the respondents-authorities are arbitrarily denying adequate protection to the petitioner. Hence, the respondents-authorities may be directed to assess the security threat objectively and discreetly and while making such assessment, the threats as



perceived by the petitioner should be also examined and considered by the concerned authorities.

9. Learned Sr. Panel Counsel for the Union of India and learned Standing Counsel for Government of Bihar vehemently oppose the prayer of the petitioner for enhancement of his security cover.

10. Learned Sr. Panel Counsel for the Union of India submits that in view of the representation of the petitioner to Union of India, the threat perception was assessed by the Security Agency. But the Security Agency found no specific threats to the petitioner. However, the Union of India has sent a letter dated 06.11.2025 to the State Government to address the security concern of the petitioner based on local threats.

11. However, learned Standing counsel for the State of Bihar submits that vide order dated 09.08.2025, the security cover of the petitioner was upgraded from 'Y' to 'Y+' category. However, in view of review of threat perception, the security cover has been again scaled down to 'Y' category vide order dated 23.09.2025. However, the order dated 23.09.2025 has not been challenged by the petitioner and hence, the present writ petition has become infructuous and not maintainable in view of the order dated 09.08.2025 and 23.09.2025, passed by the



Government of Bihar.

12. He further submits that the petitioner is required to amend his prayer seeking quashing of the order dated 23.09.2025, passed by Government of Bihar, scaling down his security cover from 'Y+' to 'Y' category.

13. He also submits that the petitioner has not lodged any FIR against Lawrence Bishnoi gang.

14. He further submits that the assessment of threat perception and grant, continuation, enhancement and withdrawal of security is a domain of the Government and the petitioner cannot claim upgradation of security cover as a matter of right.

15. He also refers to and relies upon para Nos. 6 and 7 of **Ramveer Upadhyay Vs. R.M. Srivastava, (2015) 13 SCC 370** and para No. 9 of **State of W.B. Vs. Biswanath Mitra, (2015) 14 SCC 599**.

16. I have given thoughtful consideration to the rival submissions of the parties and perused the material on record, including the official record of Government of Bihar regarding security cover provided to the petitioner which was called for perusal of this Court.

17. From perusal of the record and the statements at bar,



there is no dispute that at the time of filing of this writ petition, the Petitioner was getting 'Y' category security and subsequently, vide order dated 09.08.2025, the Government of Bihar upgraded the security cover from 'Y' to 'Y+' category. However, subsequently, after about one and half month, vide order dated 23.09.2025, the Government of Bihar has scaled down his security cover in view of the recommendation of the State Security Committee.

18. A copy of the order dated 23.09.2025 is filed across the board and the same is taken on record. As per this letter, the security cover of the Petitioner has been scaled down from 'Y+' to 'Y' category in the light of the recommendation of the State Security Committee dated 19.09.2025.

19. A copy of the meeting of the State Security Committee dated 19.09.2025 is also filed across the board by learned Standing Counsel for the Government of Bihar, as per which, the Security Committee has recommended scaling down of the security cover of the Petitioner from 'Y'+ to 'Y' category in view of the report of the Superintendent of Police, Purnia, vide Memo No. 7640/conf. dated 18.09.2025.

20. The said letter of the Superintendent of Police, Purnia is also in the official record brought by learned Standing



Counsel for the State of Bihar. It transpires that this report of the Superintendent of Police was sought in the light of an application of one Santosh Kumar, Member of Parliament, who had alleged that the Petitioner was misusing his security cover for grabbing land as well as extortion of money from businessmen. But the concerned Superintendent of Police, in his letter dated 19.09.2025, has reported to the Superintendent of Police (Security) that no such complaint has been lodged against the Petitioner by any person, businessman, officials or doctor and in case any such complaint is lodged against the Petitioner, action would be taken against him as per law.

21. In the said letter, the Superintendent of Police has also reported that for the assessment of threat perception in view of the application of the Petitioner for enhancement of the security cover, one joint Inquiry Committee comprising A.S.P, Special Branch, Katihar and Superintendent of Police was constituted. This committee reported that though the Petitioner had kept representing about threats to his person and property from criminal gangs, he had not lodged any case against them.

22. It was also reported by the Superintendent of Police that eleven police personnel have been deployed in protection of the petitioner.



23. From the aforesaid facts and circumstances, it clearly transpires that only basis for scaling down of security cover of the petitioner from 'Y+' to 'Y' category vide order dated 23.09.2025 is the report of the Superintendent of Police, Purnea and even this report does not disclose that as per assessment, the threat perception qua the Petitioner has come down requiring scaling down of the security cover of the Petitioner/Protectee. The report only says that the Petitioner has not lodged any criminal cases, in view of the threats extended to him by criminal gangs.

24. Moreover, the State Security Committee, before taking the decision to scale down the security cover has not sought any input from any other security agency. Even input regarding threat has not been invited from the Petitioner/protectee. The decision of the Government regarding downgrading the security cover of the Petitioner from 'Y+' to 'Y' category has not been even communicated to the Petitioner/Protectee.

25. As such, I find that the decision of the Bihar Government dated 23.09.2025, scaling down the security cover of the petitioner from 'Y+' to 'Y' category is arbitrary and whimsical. There is no relevant material on record which may



sustain it. There is no input of any security agency, including the Superintendent of Police, Purnea, showing that there is no credible threats to the petitioner or the threat perception qua the petitioner has come down requiring scaling down of his security cover. Even the Principles of Natural Justice have not been complied with while taking decision. No input was sought from the protectee/petitioner, so that the competent authority could examine or verify them. The decision regarding scaling down of the security was not even communicated to the petitioner/protectee.

26. Ours is a constitutional democracy. There is supremacy of the Constitution and the law made thereunder. Principles of Natural Justice and due process of law are integral part of our legal system as explained by Hon'ble Supreme Court in **Maneka Gandhi v. Union of India, [(1978) 1 SCC 248]**. No prejudicial order could be passed against any individual without affording an opportunity of hearing to him. Executive decision must be based on objective material and adherence to fairness in decision making.

27. It is also a settled principle of law that any order affecting rights of a person and particularly his liberty must be with reasons and must reflect due application of mind.



Recording of reasons is not an empty formality, it is a safeguard against arbitrariness and ensures transparency, fairness, and accountability in decision making. The absence of reasons renders it bald and makes it impossible to ascertain whether relevant factors were duly considered or not.

28. As such, Executive decisions are required to be taken as per law adhering to due process, and not as per whims and fancies of the State officials.

29. I find no substance in the submission of learned Standing Counsel for the Government of Bihar that in view of the order dated 09.08.2025, the present writ petition has become infructuous. The order dated 09.08.2025 was not communicated to the petitioner, who comes to know about it in the Court room from the mouth of learned Counsel for the State of Bihar. Moreover, that order has been superseded by subsequent order dated 23.09.2025, whereby Government of Bihar has again scaled down the security cover of the petitioner to 'Y' from 'Y+' category and as such, the petitioner is having only 'Y' category security at present. As such, the prayer of the petitioner for enhancement of security cover still subsists.

30. I also find no merit in the submission of learned counsel for the State of Bihar that the petitioner should have



challenged the order dated 23.09.2025, by way of amendment in the writ petition and without such challenge, this order could not be set aside/quashed.

31. Here again, I find that this order dated 23.09.2025 was also not communicated to the petitioner by the Government of Bihar. The petitioner comes to know about this order in the Court room from the statement of learned Standing counsel of State of Bihar at bar.

32. I further find that the order dated 23.09.2025, which is not based on objective material and adherence to fairness, is not sustainable in the eye of law.

33. Moreover, the Writ Court is not barred from granting consequential or incidental reliefs that logically and inevitably follow from the findings recorded in the judgment, otherwise, it would lead to unnecessary multiplicity of proceedings. Denying such relief on technical grounds would compel the petitioner to initiate fresh litigation on the same factual foundation, thereby defeating the purpose of constitutional remedies and burdening the judicial system.

34. Moreover, the Writ Court is not confined to the exact relief set out in the prayer clause, so long as the relief granted is justified by the facts pleaded and is necessary to remedy the



injustice identified.

35. Hon'ble Supreme Court in Dwarka Nath v. ITO (1965 SCC OnLine SC 61), has clearly held that Article 226 of the Constitution of India is couched in comprehensive phraseology and it *ex facie* confers a wide power on the High Courts to reach injustice wherever it is found. The Constitution designedly used a wide language in describing the nature of the power, the purpose for which and the person or authority against whom it can be exercised.

36. Hon'ble Supreme Court has also held in **Dwarka Nath Case (supra)** that Article 226 enables the High Courts to mould the reliefs to meet the peculiar and complicated requirements of this country. Any attempt to equate the scope of the power of the High Court under Article 226 of the Constitution with that of the English Courts to issue prerogative writs is to introduce the unnecessary procedural restrictions grown over the years in a comparatively small country like England with a unitary form of government to a vast country like India functioning under a federal structure. Such a construction defeats the purpose of the article itself. To say this is not to say that the High Courts can function arbitrarily under this Article. Some limitations are implicit in the article and



others may be evolved to direct the article through defined channels.

37. Hon'ble Supreme Court in B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749 has also held that the High Court is within its jurisdiction to mould relief in appropriate cases.

38. It is also pertinent to point out that Article 226 vests High Courts with wide and flexible powers, those powers are structured by well-settled judicial limitations. A High Court may grant relief even if it is not specifically prayed for, provided such relief is rooted in the pleadings, flows naturally from the facts established, causes no prejudice to the respondent, and is necessary to remedy illegality or injustice. What is impermissible is the grant of relief that is wholly outside the case set up by the petitioner or which introduces a new cause of action under the guise of equitable jurisdiction.

39. Hence, the order dated 23.09.2025 scaling down the security cover of the Petitioner from 'Y+' to 'Y' category is set aside and status quo ante stands restored. The Home Secretary, Government of Bihar is directed to restore the security cover of the Petitioner to 'Y+' category as he was getting before its scaling down to 'Y' category.



40. Now the Bihar Government is directed to pass afresh order regarding enhancement of security cover of the petitioner, in accordance with law, by inviting threat inputs from the petitioner as well as security agencies and pass a reasoned order.

(Jitendra Kumar, J.)

Chandan/Shoaib

AFR/NAFR	A.F.R
CAV DATE	N/A
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