

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24787 of 2015

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Kailash Kumar Son of Shiv Nandan Yadav Resident of Mohalla - Chandra
Vihar Colony, Post Office - Ashiana Nagar, Police Station - Rajiv Nagar,
District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur

For the Opposite Party/s : Mr. S.Dayal(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 06-10-2015 The present modification has been filed pursuant to an enquiry which was held in terms of the order dated 7.8.2014 passed by a Bench of this Court in Cr.Misc.No. 2084 of 2014 whereby the Registrar General of this Court had been directed to hold an enquiry and lodge criminal case against the petitioner, the deponent and other concerned.

An enquiry has since been conducted by the learned Registrar General. He has specifically come to a finding that apart from the Pairvikar of the petitioner no other person would be held liable for false statement made. Furthermore, it was found that though Rupa Kumari has been mentioned as the wife of Kailash Kumar in Cr.Misc.No.36406 of 2013 before this Court a categorical affidavit has been filed by her in the said application stating that she was not the wife of the said Kailash Kumar and

had been falsely alleged to be so. It was only in compliance of the party position to be shown as from the court below that the said fact had been mentioned in the petition. So far as the involvement of the petitioner's counsel Sri Abhay Kumar Thakur and Advocate Clerk are concerned, the Registrar General came to the finding that they had no role to play in the said submission and Sri Thakur, Advocate had come into the picture only after the case was restored to its original file having been dismissed in default earlier.

In view of the aforementioned facts and circumstances, it was held that the deponent alone was responsible for any misstatement. As such, the present modification application is allowed in part and the order dated 7.8.2014 is modified to the extent that the petitioner's counsel Sri Abhay Kumar Thakur and the Advocate Clerk Sri Onkar Nath may be not to be responsible for any false statement made before this Court and thus they be exonerated.

With the aforementioned observations, the modification application is disposed of.

(Anjana Mishra, J)

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