

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 2034 of 2015

IN

Miscellaneous Jurisdiction Case No 5990 of 2012

=====

Dr Ranjan Kumar Singh Son of SRi Hardev Singh Resident of Hardev Niwas, New Bahadurpur, P.S. Sultanganj, District - Patna

.... Appellant/s

Versus

1. The State of Bihar
2. Sri Vyas Jee, I.A.S., Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna
3. Surendra Prasad Singh, Director - in - Chief, Health Services, Government of Bihar, Patna
4. Sri Om Prakash Chaudhary, Superintendent, Patna Medical College & Hospital, Patna
5. Sri Bishwanath Thakur, Joint Secretary, Department of Health, Government of Bihar, Patna
6. Vijay Narayan Rai Son of Late Karmu Rai Resident of Ashok Nagar, Road No. 9a, Kankarbagh, P.S. Kankarbagh, District - Patna

.... Respondent/s

=====

For the Appellant/s : M/s Chakrapani & Rakesh Kumar Sharma, Advocates

For the Respondent/s : Mr D K SINHA, AAG 2 with
Mr Abhinav Raj, AC to AAG 2

=====

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
&
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 15-03-2016

We have heard Mr Chakrapani, learned counsel for the appellant at length and learned counsel for the State.

2 This LPA arises out of an order passed on 22.09.2015 passed in MJC No 5990 of 2012 by the learned Single Judge.

3 We have serious reservations whether a Letters Patent Appeal from contempt proceedings, where a person has not been found guilty, can at all be maintainable. An appeal from an

order passed in contempt is maintainable but, in our view, where no order of contempt has been passed, no appeal from contempt jurisdiction lies. However, this question may be decided in an appropriate case.

4 The appellant’s grievance is that orders have been passed in the contempt proceedings without making him a party or without granting him an opportunity of hearing. The order appealed against, in our opinion, cannot be faulted. The appellant does not dispute that in the Medicine Purchase Scam related to Patna Medical College & Hospital, where the appellant was posted, though not named in the original first information report, but he has been chargesheeted.

5 In view of the aforesaid, pursuant to observations made by this Court, State transferred/deputed the appellant outside Patna. In the order under appeal, all that the Court has observed, is that the deputation of the appellant would be treated as a posting so that he may not be near Patna or in a position to influence the investigation and/or the trial.

6 We find nothing wrong in the order. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

U			
---	--	--	--