

IN THE HIGH COURT OF JUDICATURE AT PATNA
Or. Criminal Miscellaneous (DB) No.1 of 2016

=====

A.k.

.... Petitioner

Versus

The State of Bihar

.... opposite party

=====

Appearance:

For the Petitioner/s

: Mr.

For the State

: Mr. Anjani Kumar, AAG-6

For the Contemner-opposite party Nos.1 to 6: Mr. N.A.Shamsi, Advocate

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 07-04-2016

In view of the order, dated 06.04.2016, contemner
opposite party Nos. 1 to 6 appeared, in person, in Court, along
with their learned Counsel and filed show cause.

We have heard Mr. Anjani Kumar, learned Additional
Advocate General No. 6, appearing for the State, and Mr.
N.A.Shamsi, learned Counsel for the contemnors opposite party
Nos. 1 to 6

On the reference made by District Judge, Patna, by his
letter, dated 2nd March, 2016, in light of the report, dated
01.03.2016, of learned Chief Judicial Magistrate, Patna, the
present case was instituted. The Chief Judicial Magistrate, Patna,
has, in his report, stated that, on 01.03.2016, at about 11.50 A.M.,
when he was conducting court proceedings, three/four women
came into his Court-room, caught a girl, sitting inside the Court-

room, and took her outside. A commotion followed thereafter. On enquiry, he learnt that the girl had come to the Court for recording of her statement, but she was dragged from the Court-room and was assaulted by her family members. However, the police intervened.

Aggrieved by the incident, the girl, too, lodged a case. In her F.I.R., she alleged that accused-opposite parties Nos. 1 to 6, namely, (1) Arbind Kumar (2) Usha Devi (3) Rajeev Kumar (4) Kalpana Devi (5) Sanjeev Kumar and (6) Rekha Kumari dragged her from the Court-room and also assaulted and abused her. The police, on completion of investigation, too, found the allegations to be true. The girl, in her statement, under Section 164 of the Code of Criminal Procedure, also sought for protection from her parents. She has stated that she has solemnized her marriage with one Rinku Kumar @ Avinaksh voluntarily against the will of her parents and as a result thereof, her father instituted a false case bearing Kankerbagh P.S. Case No. 55 of 2016.

Finding the allegations *prima facie* to be true, notices were issued to opposite party Nos. 1 to 8. Reply to the show cause notice have been filed on behalf of the parties. On consideration of the reply, we find that they have tendered unqualified and unconditional apology. This Court, however, found opposite party Nos. 1 to 6 guilty of contempt of Court by its order, dated 16.03.2016. The matter was subsequently adjourned to 06.04.2016

for hearing opposite party Nos. 1 to 6 on the point of sentence with liberty to them to show cause in mitigation of sentences.

Contemnor opposite party Nos. 1 to 6 have filed show cause tendering their unqualified and unconditional apology for their act. They have expressed remorse for the incident, which regrettably occurred on account of tension in the family. The contemnor opposite party Nos. 1 to 6 undertook not to indulge in any such incident, in future.

Considering the unconditional apology expressed by the contemnors, this Court refrains itself from passing any serious sentence against opposite party Nos.1 to 6. In the facts and attending circumstance of the present case, we impose a fine of Rs. 100/- each, which shall be deposited in the office of the Registry within a week from today. We further direct that opposite party Nos.1 to 6 shall not indulge, in future, in the commission of such acts as have been done by them in the present case.

We order accordingly.

With the above observations and directions, this *suo mo* proceeding for *criminal contempt* is hereby closed.

(I.A. Ansari, ACJ)

(Samarendra Pratap Singh, J)

A.I./-

U			
---	--	--	--