

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2489 of 2017
IN
Cr. WJC 46131 of 2013

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1. Rakesh Kumar Pawan, aged about 39 years, son of Late Ajay Kumar Singh, permanent resident of village – Poiwan, P.O. Poiwan, P.S. – Mufassil Aurangabad, District – Aurangabad.
 2. Manju Kumar, aged about 35 years, wife of Rakesh Kumar Pawan, permanent resident of village – Poiwan, P.O. Poiwan, P.S. – Mufassil Aurangabad, District – Aurangabad.
 3. Rajesh Kumar Pankaj, aged about 42 years, son of Late Ajay Kumar Singh, permanent resident of village – Poiwan, P.O. Poiwan, P.S. – Mufassil Aurangabad, District – Aurangabad.
 4. Anita Devi, aged about 38 years, wife of Rajesh Kumar Pankaj, permanent resident of village – Poiwan, P.O. Poiwan, P.S. – Mufassil Aurangabad, District – Aurangabad.

.... Petitioners

Versus

1. The State of Bihar through Sri Kamal Tanuj, District Magistrate-cum-Collector, Aurangabad P.S. and District – Aurangabad.
2. Dr. Satya Prakash, Superintendent of Police, Aurangabad, P.S. and District – Aurangabad.
3. Sri Surendra Prasad, Sub-Divisional Magistrate, Sub-Division Aurangabad, P.S. and District – Aurangabad.
4. Shri Paras Nath Sahu, Sub-Divisional Police Officer, P.S. and District – Aurangabad.
5. Sri Shankar Lal Biswas, the then Circle Officer, Aurangabad, P.S. and District – Aurangabad.
6. Sri Anil Kumar Sinha, present Circle Officer, Aurangabad, P.S. and District – Aurangabad.
7. Mira Daruka, wife of Late Prem Kumar Daruka.
8. Raghwendra Kumar Daruka, son of Late Prem Kumar Daruka
9. Manish Kumar Daruka, son of Late Prem Kumar Daruka.
Resident of Maharajganj Road, P.S. and District – Aurangabad.

.... Opposite Parties.

10. Rashmi Tibrewal,
11. Ritima Agarwal,

Both daughters of Late Prem Kumar Daruka and resident of Balair Apartment, Main Road, Ranchi, P.S. & District – Ranchi (Jharkhand).

.... Proforma Opposite Parties.

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Appearance :



For the Petitioners : Mr. H.S. Himkar, Advocate
Mr. Kumar Kaushlendra, Advocate
Mr. Sunit Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 06-09-2017

Pursuant to the order dated 23.08.2017, passed by this Court in Cr. Misc. No. 40195/2017, the learned Sub-Judge-IX, Aurangabad has submitted a report vide letter no. 1321/2017. The learned Sub-Judge-IX, Aurangabad has informed that while passing the order dated 27.07.2017 in Partition Suit No. 180/2010, the order dated 19.07.2017 passed by this Court in Cr. Misc. No. 46131/2013 and Cr. Misc. No. 42871/2013 was not brought to his notice. He has also informed this Court that on getting information about the order passed by this Court, order dated 27.07.2017 passed in Partition Suit No. 180/2010 has already been recalled.

Another report has been received from the Circle Officer, Aurangabad vide letter no. 2077 dated 31.08.2017. The Circle Officer, Aurangabad has informed this Court that the order dated 19.07.2017 passed in the aforementioned two Criminal Miscellaneous Applications has already been



complied with.

Mr. H.S. Himkar, learned counsel representing the petitioners, submits that this Court should initiate action for contempt because the Opposite Parties have mislead the learned Sub-Judge-IX, Aurangabad in passing the order dated 27.07.2017.

This Court is not inclined to initiate action for contempt in the facts and circumstances of the present case. If the petitioners feel that any order was procured by the Opposite Parties by misleading the learned Sub-Judge-IX, Aurangabad, there are provisions of law under which he may approach the appropriate Court. This Court is not recording any opinion on the merit of the submission of Sri Himkar, learned counsel appearing on behalf of the petitioners.

This Contempt Application is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2017
Transmission Date	07.09.2017

