

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1329 of 2014

IN

Miscellaneous Jurisdiction Case No. 2825 of 2013

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1. Kapildeo Prasad son of Late Sadashiv Prasad, resident of village/Mohalla- Rampur Baignabad, Bihar Sharif, P.S.- Bihar, District- Nalanda
2. Prabhat Kumar Choudhary, son of Sri Rajendra Prasad, resident of village/Mohalla- Rampur Baignabad, Bihar Sharif, P.S.- Bihar, District- Nalanda

.... Appellants

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda
3. The Circle Officer, Bihar Sharif, Nalanda
4. The Principal of Allama Iqbal College, Bihar Sharif, Nalanda

.... Respondents

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Appearance :

For the Appellant/s : Mr. Kumar Malendu, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 26-04-2017

Heard learned counsel for the appellant and
learned counsel for the State.

The Letters Patent Appeal is dismissed
because the appellant cannot become the Judge whether a
contempt has been committed by a person or authority or
not.

The discretion in this regard does lie with the



Judge who is the best Judge with regard to the directions issued by him and whether there is willful violation.

In addition to that an objection is also taken by the State, based on a recent Division Bench decision of this Court in the case of ***Rajesh Kumar Vs. State of Bihar*** since reported in ***2016(4) PLJR 329***; that the appeal is not maintainable.

Be that as it may, this appeal stands dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

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