

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.978 of 2017**

**In**  
**Miscellaneous Jurisdiction Case No.3502 of 2015**

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1. Surendra Prasad, Son of Shri Lalmuni Ram, Resident of Village-Bhekas, P.O.-Akhlaspur, P.S.-Bhabua, District-Kaimur
  2. Amit Kumar Singh, Son of Parasnath Singh, Resident of Village-Sion, P.S.-Bhabua, Dist-Kaimur.

... .. Appellant/s

Versus

The State of Bihar Through Rajeshwar Prasad Singh, Collector Cum District Magistrate, Bhabhua, Kaimur.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ranjay Kumar Patel, Advocate  
For the Respondent/s : Mr. Suryadeo Yadav-AAG-9

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 16-04-2018**

Delay of 16 days in filing of this appeal is condoned. I.A. No. 7101 of 2017 stands allowed and disposed of.

This Letters Patent Appeal under Clause 10 of the Letters Patent has been filed seeking exception to an order dated 17.05.2017 passed in contempt proceedings bearing M.J.C. No. 3502 of 2015. The order passed reads as under:-

“Contempt application now stands disposed off in view of the position indicated in the show-cause, since no rejoinder has been filed, rebutting



that position.”

From the aforesaid, it is clear that the learned Court being satisfied with the show-cause filed, did not deem it appropriate to take any contempt action.

If the Court has refused to take contempt action and disposed of the matter, a Letters Patent Appeal is not maintainable. That apart, even if a punishment order is passed in the contempt proceedings, a Letters Patent Appeal is not maintainable. The only remedy available is to file an appeal under Section 19.

As this L.P.A. in the facts and circumstances of the case is not maintainable, it stands dismissed.

**(Rajendra Menon, CJ)**

**(Rajeev Ranjan Prasad, J)**

P.K.P./-

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| AFR/NAFR          | N.A.F.R.   |
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