

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.70 of 2020

In
Miscellaneous Jurisdiction Case No.4712 of 2014

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Bijay Kumar Singh, Son of Sri Srimohan Singh, Resident of Quarter No.B-151, Budha Colony, P.S.-Buddha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, namely, Sri Deepak Kumar
2. Sri Amir Subhani, Principal Secretary, Dept. of Home, Govt. of Bihar, Patna.
3. Sri Gupteshwar Pandey, Director General of Police, Bihar, Patna.
4. Sri Naiyar Husnain, I.G. Head Quarter, Patna/Admi.
5. Sri Inamul Haque Megnu, Superintendent of Police, Jamui.
6. Md. Dilnawagz Ahmed, Superintendent of Police, Kaimur/Bhabhua.
7. Md. Yunush, Dy S.P. Cum Major, Police Line
8. M.D., Multi State Cooperative Land Development Bank Ltd., Bihar-Jharkhand, Budh Marg, Patna-1

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Rajesh Prasad Choudhary, Advocate
For the State	:	Mr.Prabhat Kumar Verma (AAG-3)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-02-2020 Learned counsel for the petitioner submits that

the change in the name of the opposite party has been

occasioned because of the fact that the new incumbent has

joined the office and, therefore, the name of the new

incumbent alone will find place in the cause title, being the

successor of the office concerned.

The defect pointed out thus stands ignored.

Learned counsel for the petitioner submits that



this Court had directed on 21.07.2017 in M.J.C. No.4712 of 2014 arising out of CWJC No.1236 of 2013 and had disposed of the said application on the basis of the supplementary show cause filed by the opposite parties, in which it has been clearly stipulated in the following terms:

“.....It is expected that the authorities shall keep in mind the order passed earlier by this Court so that the same is maintained in letter and spirit.”

Learned counsel for the petitioner submits that no sooner the said order was passed, the authorities have made a *volte-face* and have again withdrawn the Body Guards and the House Guards which had been assigned to the petitioner vide order passed in the writ application bearing CWJC No.1236 of 2013.

It is further pointed out that in the order dated 02.04.2013, this Court had directed that “the Director General of Police is directed to see that two Personal Security Officers are provided to the petitioner in addition to the House Guards, which have already been provided to him at Jamui residence, within 48 hours of receipt of a copy of this order, for which the petitioner shall cooperate in terms of Annexures-6 and 7, if required.”



Final order in this case was passed on 01.07.2013, which was again disposed of in the following words :

“.....Learned senior counsel for the petitioner submits that this arrangement has been made in the light of interim order passed in the writ application, which may be disposed of treating the interim order as final order in the writ application.

The interim order merges with this final order. It is made clear that this arrangement shall continue till situation changes necessitating any change in position at the level of the Government of India and/or at the level of the State Government.

Writ application and the contempt applications are disposed of.”

Learned counsel for the petitioner now points out that the present modification application has been necessitated for the reasons that no sooner the contempt application was disposed of, the opposite parties have withdrawn the said facilities, directed to have been given to the petitioner by this Court, which is wholly contemptuous and warrants interference by this Court



by issuing necessary orders, modifying the order passed in the contempt application.

Learned counsel for the petitioner submits that the petitioner has an ancestral house at Jamui, but he is ordinarily a resident of Patna and, therefore, the Bodyguards and House Guards, which are required to be placed, are at Patna also or wherever he resides at whichever point of time. He thus submits that the order dated 02.04.2013 should also be modified to the extent that the words “Jamui residence” should also be supplemented with a stroke, stating “Patna residence” also.

The prayer made in the modification application appears to be reasonable and rationale and therefore, it is henceforth directed that the order dated 02.04.2013 in CWJC No.1236 of 2013 shall now be read as “Jamui residence/Patna residence” and the authorities are required to take necessary steps in the said regard.

Let a copy of this order be forwarded to the D.G.P., Bihar, Patna (Opposite Party No.3) so that he may take necessary steps for having the orders of this



Court implemented.

The petitioner is at liberty to take necessary steps in accordance with law, if the orders passed earlier by this Court are not implemented.

With the aforementioned directions and modification, the present M.J.C. application stands disposed of.

(Anjana Mishra, J)

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