

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.26 of 2023

In

Criminal Writ Jurisdiction Case No.723 of 2022

=====

Anand Kumar Singh Son of Vijay Kumar Singh, Resident of House No. 155-D, Patliputra Colony, P.O. and P.S.- Patliputra, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, namely Mr. Chaitanya Prasad, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, namely Mr. Chaitanya Prasad, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Patna, Bihar, namely Mr. Rajwinder Singh Bhatti
4. The Senior Superintendent of Police, Patna, Bihar, namely Mr. Manavjit Singh Dhillon.
5. The Superintendent of Police (Central), Patna, Bihar, namely Mr. Hari Mohan Shukla.
6. The Officer-in-Charge, Patliputra Police Station, Patna, Bihar, namely Mr. Satendra Kumar Sahi.
7. Mr. Anil Kumar Singh S/o Lt. Vijay Kumar Singh, R/o Tilak Nagar, Phase II, Ambedkar Path, P.S.- Rupaspur, Dist. Patna.

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha, Adv.

Mr.Ashish Giri, Adv.

Ms. Riya Giri, Adv.

For the Opposite Party/s : Mr.Dr.Mankeshwar Tiwari, AC to AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-04-2023 Perused the stamp report defect. The Stamp Reporter

has pointed out defect no. 16 in the following terms:-

“As per para-1 of M.J.C. petition, the present matter arises from cr.w.j.c. no.- 723/2022 vide order dated 29.09.2022. For proper remedy, it may perhaps be filed in original criminal miscellaneous cases as per provision contained in U/S 3(1) of chapter XXVIII of the rules of Patna High Court Act.”



This Court finds that the present application has been filed seeking initiation of a proceeding of contempt for willful disobedience and disregard shown to the order of this Court. This Court is a Court of Record. Reference in this regard may be made to Article 215 of the Constitution of India. This Court is well empowered to initiate a contempt proceeding for willful disobedience and disregard shown to the order of this Court.

In the nature of the grievance of the petitioner, he is not required to file a criminal contempt in terms of Section 15 of the Contempt of Court Act. Therefore, the stamp report defect saying that this application should be filed as original Criminal Miscellaneous as per the provision contained under Chapter XXVIII of the Patna High Court Rules is not correct.

This Court has noticed that the Stamp Reporter has mentioned 'Rule' 3(i) as 'Section' 3(1) and he has further written "Chapter XXVIII of the rules of Patna High Court Act". To this Court, it appears that the Stamp Reporter should be more cautious while submitting their report and such mistakes which give an impression that he has not looked into the Patna High Court Rules would not be in a good taste. The stamp report defect no. 16 is overruled.

A supplementary show cause has been filed on behalf



of O.P. No. 4. It is stated that the accused- Anil Kumar Singh has been arrested from Muzaffarpur and he has been produced before learned Additional Chief Judicial Magistrate X, Patna on 03.04.2023 and thereafter he has been remanded to judicial custody. As regards providing security to the petitioner, it is stated that the case of the petitioner has been considered by the Special Security Committee on 30.08.2022 and the minutes of the meeting of the Committee has been circulated. As per the said report, the case of the petitioner is fit to be considered as per Bihar Witness Protection Scheme, 2018. The case of the petitioner has further been considered by the Witness Security Committee and it has been resolved that on the date of the deposition of the petitioner as a witness, the Station House Officer, Patliputra Police Station, Patna shall provide security to the petitioner and he shall keep this petitioner under special vigilance.

In the aforesaid view of the matter, this Court is of the opinion that the order of this Court has been complied with.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

tusharika/-

U			
---	--	--	--

