

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12718 of 2017

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Babban Prasad Singh Son of Late Bindeshwari Singh Resident of Variety Complex, Sheopur, Mahendru, P.S. - Pirbahore, District - Patna, Proprietor of M/s Hitech Engineering.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Department, Government of Bihar, Patna.
4. The Superintendent, Patna Medical College and Hospital, Patna.
5. Dr. Lakhindra Prasad Son of Late Jagdish Paswan Resident of permanent resident of Village - Giddha Mahdopur, P.O. P.S. - Madhopur, District - Samastipur and Flat No. 203 , 2nd Floor, Anand - Surendra Enclave , Nandanpuri, Khajpura, P.S. - Shastri Nagar, District - Patna and presently posted as Superintendent, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Aditya Nath Jha, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 26-04-2023 None appears for the petitioner.

In the instant petition, petitioner has prayed for the
following relief(s):-

“1. (I) For a direction to the respondent no. 1 to 3 to take action against the Respondent No. 4 & 5 for giving false statement on oath before the Hon’ble Court in CWJC No. 9052 of 2016 which has been dismissed on 14.07.2016 due to false statement given by Respondent No. 4 & 5 and he may suitably be punished by the Hon’ble Court.”

Respondent No. 4 has not been impleaded by name.



On this count, writ petition is liable to be dismissed as against 4th respondent. That apart, writ petition is not maintainable for the reasons that if any false statement on oath is filed in a particular case, in that event, the petitioner has a remedy to agitate his grievance for taking action against such of those persons who have alleged to have filed false statement with reference to Section 340 of Cr.P.C.

Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to invoke appropriate remedy in C.W.J.C. No. 9052 of 2016 itself.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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