

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61989 of 2022

Arising Out of PS. Case No.-35 Year-2011 Thana- PIPRIYA District- Lakhisarai

1. MUKESH KUMAR @ MUKESH SINGH SON OF RAMBILASH SINGH
R/O WARD NO. 18, NEAR SIHMA HIGH SCHOOL, SIHMA
CHARKHUT, SIHMAN BARARI, P.S.- MATIYANI, DISTT.-
BEGUSARAI
2. DEEPAK KUMAR @ DEEPAK KUMAR SINGH SON OF RAMBILASH
SINGH R/O WARD NO. 18, NEAR SIHMA HIGH SCHOOL, SIHMA
CHARKHUT, SIHMAN BARARI, P.S.- MATIYANI, DISTT.-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Pipariya P.S. Case No. 35 of 2011 for the offence under Sections 147, 148, 149, 307 and 427 of the I.P.C. lodged on 20.12.2011 by the informant Manoj Kumar Sinha.

The prosecution story, in brief is that on 19.12.2011, the informant received secret information that due to land dispute, firing took place between two groups. It was further



alleged that on the said information, the police reached there and came to know about the indiscriminate firing between village Jhagraha and Sihwa. Accordingly, the F.I.R.

From a bare perusal of F.I.R., it shows that the same was lodged in 2011 vide Pipariya Case No. 35 of 2011 under Sections 147, 148, 149, 307 and 427 of the I.P.C.

After twelve years, the petitioners chose to leisurely walk to the Court for grant of relief. If they have managed to evade the rule of law for last 12 years, this Court will be the last one to extend them the relief they have asked for. The petition is accordingly dismissed.

Having rejected the petition, this Court wants to put on record the conduct/misdemeanor of the Oath Commissioner who are presently functioning in the Patna High Court.

The present petition is a case in hand. The entire pages of the petition are different from the affidavit page and can be seen from the naked eyes. Further, the date that a family member is to incorporate alongwith his/her signature is invariably being done by the Oath Commissioner which is again visible.

This Court has found that in almost each and every petition, the same things are being repeated and thus, it is clear



that almost all the Oath Commissioners are flouting the rules under which they have to function.

This Court genuinely believes that in the present case, the person, Shiv Pujan Kumar Singh never came to the Court on 18.02.2022 to put in his signature and instead his signed blank paper which was used to put the petition on affidavit.

In the aforesaid background, this Court directs all the Oath Commissioners to strictly follow the guidelines while putting their seal and sign on affidavits. They must ensure that the person who is to put the petition on affidavit appears before them and further put in his/her signature not only on the affidavit but also on the register column meant for the said purpose available with the Oath Commissioner.

It is made clear that after the Court reopens on 19.06.2023, randomly, any of the Oath Commissioner will be summoned by this Court alongwith the Register and if it is found that after 19.06.2023, the column meant for signature is blank, appropriate actions shall be recommended against him/her/them.

Let a copy of this order be provided to each and every Oath Commissioner(s) who is/are functioning, forthwith.

A receipt showing signatures of all the Oath



Commissioners be provided to the Court Master of this Court as soon as the procedure is completed.

(Rajiv Roy, J)

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