

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.292 of 2024

In

Civil Writ Jurisdiction Case No.15594 of 2021

Rakesh Kumar alias Rakesh Sharma, S/o- Bishwanath Thakur, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.

... .. Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna, namely Amir Subhani.
2. The District Magistrate, East Champaran at Motihari, namely Saurabh Jaishwal.
3. The Circle Officer Bankatwa, District- East Champaran at Motihari, namely Shri Ram Orau.
4. The Block Development Officer, Block- Bankatwa, District- East Champaran at Motihari, namely Raja Ram Paswan.
5. Ramniwash Prasad, S/o-Late Ganesh Sah, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.
6. Sanjay Prasad, S/o-Late Dinanth Prasad, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.
7. Surendra Prasad, S/o-Late Ramnath Sah, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.
8. Ambika Sah, S/o-Late Kashi Sah, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.
9. Roushan Kumar, S/o Late Ramekbal Sah, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.
10. Bhola Sah, S/o Late Ramdat Sah, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.
11. Birja Thakur, S/o-Late Jangi Thakur, Resident of Village- Jhanjhara, P.S.- Jitna, District- East Champaran.

... .. Opposite Parties.

Appearance :

For the Petitioner : Mr. Jitendra Kumar, Advocate.
For the State : Mr. Standing Counsel-25.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 06-08-2024

The present M.J.C./Contempt Petition is filed beyond



one year from the date of cause of action. Therefore, Section 20 of the Contempt of Courts Act, 1971 would be a hurdle in entertaining the present M.J.C./Contempt Petition. The Coordinate Bench in the case of **Dr. Rajesh Kumar Sinha and others Vs. The Union of India and others (M.J.C. No.1840 of 2023)** examined Section 20 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India to the extent of maintainability of the M.J.C./Contempt Petition beyond one year. Recently, the Hon’ble Supreme Court in the case of **S. Tirupathi Rao Versus M. Lingamaiah and Others decided on 22nd of July, 2024 {2024 SCC OnLine SC 1764}** held that belated M.J.C./Contempt Petition would not be entertained.

2. Taking note of these factual aspect of the matter, the present M.J.C./Contempt Petition stands dismissed on the ground of limitation reserving liberty to the petitioner to invoke other remedies, if it is available.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2024.
Transmission Date	NA

