

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.500 of 2024

In

Civil Writ Jurisdiction Case No.15216 of 2023

Kiran Devi W/o Late Ram Niranjana Prasad, resident of Village-Madheopur,
P.O.-Haridaspur, P.S.-Nathnagar, District-Bhagalpur-812006.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna-800 015, namely Mr. K.K. Pathak, I.A.S.
2. The Treasury Officer Bhagalpur-812001, namely Mr. Devendra Kumar.
3. The State Bank of India through the General Manager (Bihar), Local Head Office, 5th Floor, West Gandhi Maidan, Patna, namely Mr. Shiva Om Dikshit.
4. The Branch Manager, State Bank of India, Nathnagar Branch, Nathnagar, Bhagalpur namely Pragya Bharti.
5. The Accountant General Bihar Veer Chand Patel Path, Patna, namely Mr. Raj Kumar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the State	:	Mr. Kumar Kamal Nayan, Advocate AC to SC 28
For the AG, Bihar	:	Mr. Raj Nandan Prasad, Advocate
For the SBI	:	Mr. Anjani Kumar Mishra, Advocate
		Mr. Ambrish Bhardwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 18-10-2024 Heard Mr. Purushottam Kumar Jha, learned counsel appearing on behalf of the petitioner; Mr. Kumar Kamal Nayan, learned counsel for the State; Mr. Raj Nandan Prasad, learned counsel for the AG, Bihar and Mr. Anjani Kumar Mishra along with Mr. Ambrish Bhardwaj, learned counsels for the SBI.

2. Mr. Anjani Kumar Mishra, learned counsel appearing on behalf of the State Bank of India informed that he has already filed show cause on behalf of the Opposite Party



Nos. 3 and 4, being General Manager, State Bank of India and Branch Manager, State Bank of India, Nathnagar, Bhagalpur. He submitted that the steps for making payment in compliance of order dated 06.11.2023 passed in CWJC No.15216 of 2023 has already been taken place and there is no wilful or intentional disobedience to not comply the order of this Court intentionally.

3. Learned counsel in support of his submission has referred to the communications made to the Treasury Officer by the Assistant General Manager, State Bank of India by letter dated 29.01.2024, calling for certain steps to be taken on behalf of the Treasury Officer for complying with the order under contempt. In reply to the said letter, the Treasury Officer, Bhagalpur has to give such information relating to the payment to the petitioner, but at the same time, he has informed to the Bank that the payment can be made after verifying the identity of the petitioner. In Paragraph No. 10 of the show cause, it has been informed that after approval of the Treasury Officer, an amount of Rs.4,55,525/- has been approved which has been credited into the account of Kushma Devi. This Court at this stage made a query from learned counsel appearing on behalf of the Bank as to why the aforesaid amount has been credited into the account of a dead person and information to that extent was



already given on behalf of the petitioner in the writ petition and same has also been recorded in the order dated 06.11.2023. To this, he has given information in the open Court that he has received instruction in this regard that the petitioner has not furnished affidavit and indemnity bond executed by her for facilitating the payment.

4. In view of the above facts, now question arises, whether there is any wilful deliberate disobedience of order dated 06.11.2023 or not. In this regard it would be apt to quote section 2(b) of the Contempt of Courts Act, 1971, which is as under:-

“civil contempt” means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court of willful breach of an undertaking given to a Court”

5. Wilful has been explained by the Supreme Court in several decisions. From the above conduct of the Opposite Parties No. 3 and 4, I am satisfied that they cannot be held to have disobeyed the order wilfully, though certain delay and parafilearia are required for getting the amount transferred into the account of the petitioner, which has been credited into the account of a dead person and same required certain procedures as per the banking norms.



6. It is made clear that the opposite parties must provide all the details of the required documents to be furnished by the petitioner without any delay forthwith and not to cause any further delay, must cooperate with the petitioner. The Branch Manager must take his/her keen interest.

7. The present contempt petition is dismissed for aforesaid reason.

(Purnendu Singh, J)

Sanjay/-Raj

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