

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1559 of 2023

In
CRIMINAL MISCELLANEOUS No.36584 of 2022

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Uttam Kumar Panjiyar @ Uttam @ Uttam Kumar, S/o Arun Lal Panjiyar, R/o Village Agarpur, Ward No. 9, P.S. Lalganj, Dist. Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through, Sri Ravi Ranjan Kumar, the Superintendent of Police, Hajipur. Vaishali.
2. Sri Ravi Ranjan Kumar, The Superintendent of Police, Hajipur. District-Vaishali, Email-sp-vaishali-bih@nic.in
3. Sri Om Prakash-2, the Station Head Officer, Police Station- Hajipur Sadar, Hajipur District -Vaishali.
4. Smt. Veena Kumari, the Investigating officer, Police Station- hajipur Sadar, Hajipur, District-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Md. Nadim Seraj, G.P. 5

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

15 03-05-2024 Heard learned counsel for the petitioner and learned counsel for the Opposite party.

2. The petitioner seeks gracious indulgence of this Hon'ble Court to initiate contempt proceeding against the opposite party Nos. 3 and 4 for willful and deliberate disobedience of the order dated 20.02.2023, passed in Cr. Misc. No. 36584 of 2022 by this Court, wherein the Hon'ble Court was pleased to allow as “ In the meantime, no coercive step shall be taken against the petitioner in connection with Hajipur



Sadar P.S. Case No. 592 of 2020”, but the petitioner has illegally been arrested by the opposite party no. 4 /Contemnor No. 4 in spite of Letter No. 30 dated 23.02.2023 issued to the concerned P.S. through the Contemnor No. 2 issued by the learned court of A.D.J. VI-Cum-Exclusive Special Court POCSO Vaishali at Hajipur and the learned court below, itself has duly approved and accepted the remand of illegally arrested petitioner, produced on 13.03.2023 and vide order dated 21.03.2023 (after seven days of illegal arrest), the learned court concerned was pleased to issue Release Order of the petitioner and simultaneously issued show cause to the I.O/ Contempnor No. 4.

3. Learned counsel for the petitioner has submitted that the opposite party/Contemnor No. 4 has arrested the petitioner on 11.03.2023 at 12.30 AM in spite of the Standing Order dated 20.02.2023, passed in Cr. Misc. No. 36587 of 2022, for not taking coercive step against the present petitioner in connection with Hajipur Sadar P.S. Case No. 592 of 2020 passed by this Court.

4. Learned counsel for the petitioner has further submitted that the petitioner and his family members including his father have repeatedly conveyed to the Contemnor No. 4/



Police Raiding Team that there is a stay order against the arrest of the petitioner in the above mentioned FIR but police willfully disobeyed the standing order of the Hon'ble Patna High Court and prepared Challan on 13.03.2023 and forwarded it to the learned court concerned.

5. Learned counsel for the petitioner has further submitted that the learned court concerned has issued just a Peshkari (Mechanical) order dated 13.03.2023 upon receipt of, produced and forwarded the accused/petitioner along with the application dated 13.03.2023 along with medical fitness of the accused/petitioner in case diary and Arrest Memo at the end of the I.O. of the case, the learned court concerned has duly perused the record and taken him into judicial custody and directed to send him to Hajipur Prison till dated 27.03.2023.

6. It is further submitted that due to telephonic misconception and miscommunication about the arrest of the petitioner on 11.03.2023, the anticipatory bail application was dismissed as infructuous on the ground of the arrest of the petitioner with the permission of the Hon'ble Court dated 20.03.2023 passed in Cr. Misc. No. 36584 of 2022.

7. It is further submitted that after withdrawal of the anticipatory bail application dated 20.03.2023 of the petitioner,



the learned court concerned has been pleased to pass the order dated 21.03.2023 on the very next day by which the Release Order of the petitioner has issued and simultaneously issuing show cause to the I.O concerned of the case.

8. Learned counsel has further submitted that vide order dated 21.03.2023 passed by the learned court concerned, the petitioner has been released on 21.03.2023 from the Hajipur Prison.

9. Learned counsel for the opposite parties has submitted that the Station House Officer, Sadar Hajipur/ opposite party no. 2 has submitted his show cause explanation vide Memo No. 667 of 2023, dated 29.03.2023, disclosing therein that Hon'ble Court's order dated 20.02.2023, was never been received in the police station either from the Learned Trial Court or Produced /received through the present petitioner prior to 13.03.2023 and therefore, the petitioner was arrested and remanded to judicial custody. It is further submitted that if the Hon'ble Court's order was produced by the petitioner or received from the learned court, the investigating officer must not have dared to arrest and produce the petitioner before the learned court below. The petitioner did not produce any document showing that the said Hon'ble Court's order was communicated/



received by the SHO, Sadar, Hajipur.

10. Considering the above mentioned facts and circumstances of the case as well as finding no substance in the contention of the learned counsel for the petitioner, the present Miscellaneous Jurisdiction Case for initiation of contempt proceedings against the Opposite Party nos. 3 and 4 is dismissed accordingly.

(Chandra Prakash Singh, J)

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