

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2512 of 2024

In
CRIMINAL MISCELLANEOUS No.34545 of 2024

=====

Zeeshan Shamim Son of Late Shamim Ansari, Resident of New Azimabad Colony Sector- A, Sanchiara Maudi, P.S.- Bahadurpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home (Suman Kumar Sinha) Bihar.
2. D.G.P (R.S Bhatti) Patna.
3. Superintendent of Police, Patna.
4. Investigation Office (Roshni Kumari), Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mohammad Minnatullah
For the Opposite Party/s : Mr. Manoj Kumar, AC to GP-4

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 17-12-2024 1. Heard learned counsel for the petitioner and learned AC to GP.4.

2. The learned counsel for the petitioner submits that the instant contempt application has been filed alleging violation of the order dated 14.05.2024 passed in Cr. Misc. No. 34545/2024.

3. The learned counsel for the petitioner next submits that the petitioner had moved this court seeking anticipatory bail with respect to offences which carried punishment of less than 7 years, as such, this Court directed the petitioner to file a representation before the concerned Superintendent of Police



and Investigating Officer of the case within a period of three weeks from the date of order with a web copy of the order dated 13.02.2024 in Cr. Misc. No. 3536/2024 (Naushad Ansari vs. State of Bihar) and the concerned Superintendent of Police was directed to ensure that the Investigating Officer of the case strictly adheres to the direction contained in the order dated 13.02.2024 in Cr. Misc .No. 3536/2024 (Naushad Ansari vs. State of Bihar).

4. The learned counsel next submits that petitioner in terms of the order dated 14.05.2024 in Cr. Misc. No. 34545/2024 represented before the concerned Superintendent of Police on 18.5.2024, but then the Superintendent of Police did not take any action on his representation till filing of the instant contempt application, i.e., 22.7.2024 and thus the petitioner apprehended arrest.

5. The contempt application was taken up on 22.11.2024 and the learned counsel appearing on behalf of the petitioner, Md. Minnatullah, sought two weeks' time for removing the defects as pointed out by the office and also submitted that copy of the contempt application will also be served on the learned APP, Mr. Chandra Bhushan Prasad by Monday, i.e., 25.11.2024, thereafter the case was directed to be



listed on 13.12.2024 within top five cases.

6. The learned counsel appearing on behalf of the State has filed counter affidavit on behalf of the Superintendent of Police, Patna East and draws the attention of the court to Annexure-A to the show cause and submits that petitioner against the order dated 14.05.2024 in Cr. Misc. No. 34545/2024 has moved before the Hon'ble Supreme Court by filing Special Leave to Appeal (Crl.) No(s). 12673/2024.

7. On query of the Court from the learned counsel for the petitioner that when he filed the aforesaid application before the Hon'ble Supreme Court, on which the learned counsel appearing on behalf of the petitioner submits that the said application was filed on 31.8.2024.

8. The learned State counsel further submits that the Hon'ble Supreme Court has stayed the order dated 14.05.2024 in Cr. Misc. No. 34545/2024 by an order dated 11.09.2024 and also granted no coercive steps in favour of the petitioner. The learned State counsel next submits that on the one hand the petitioner is assailing the order dated 14.05.2024 in Cr. Misc. No. 34545/2024 before the Hon'ble Apex Court and on the other hand has filed the instant contempt application alleging that the Superintendent of Police has deliberately violated the



order of this Court dated 14.05.2024 in Cr. Misc. No. 34545/2024. The learned State counsel next submits that this amply demonstrates the conduct of the petitioner that he has approached this court with unclean hand as he has not brought the subsequent development, which took place before the Hon'ble Supreme Court, by way of supplementary affidavit.

9. It is next submitted that the instant contempt application was filed on 22.7.2024, thereafter the petitioner on 31.8.2024 had already approached the Hon'ble Supreme Court but then did not file a supplementary affidavit bringing the said fact on record. It is also submitted that the Hon'ble Supreme Court by order dated 11.9.2024 granted no coercive steps in favour of the petitioner, but when the case was taken up on 22.11.2024, on that date also, no supplementary affidavit on behalf of the petitioner was filed bringing on record the said development.

10. The learned State counsel further submits that since petitioner has not approached this court with clean hands and at the same time has concealed the relevant facts only with a view to somehow get an adverse order against the Superintendent of Police Patna East, hence an appropriate action be taken against the petitioner.



11. The learned State counsel further submits that the aforesaid order was recorded when the case was taken up on 13.12.2024 and on the said date, this Court had directed the petitioner to remain physically present before this Court on 16.12.2024, so that after hearing the petitioner on the said date, the Court will decide whether to initiate a proceeding of contempt against the petitioner for concealing such relevant facts or not.

12. The learned State counsel next submits that on 16.12.2024, when the case was taken up, the petitioner was not present physically and a submission on behalf of Md. Minnatullah, learned advocate, was made that he has instruction to make submission that petitioner could not appear for the reason that he had to appear in an examination to be conducted by the B.P.S.C.

13. It is next submitted that the Court thus asked the learned counsel appearing on behalf of the petitioner that as to when the petitioner has to appear in the said examination, on which the learned counsel appearing on behalf of the petitioner submitted that petitioner had appeared in the examination conducted by the B.P.S.C on 13.12.2024 itself and in support thereof had also produced an Admit Card of the petitioner.



14. The learned State counsel further submits that since petitioner in defiance of the order dated 13.12.2024 did not appear before this Court, as such, this Court directed the Superintendent of Police, Patna East to produce the petitioner before this Court on 17.12.2024.

15. Today, when the case is taken up, the Superintendent of Police, Patna East, in compliance of the order dated 16.12.2024 is present in the Court and submits that he made all endeavours to contact the petitioner for producing him before this Court, but all his efforts went in vain, as petitioner was not found present in his house nor his family members were cooperating in disclosing the place where the petitioner presently is concealing himself. It is also submitted that he has taken permission for putting the mobile number of the petitioner on surveillance.

16. At this stage, the learned counsel appearing on behalf of the State submits that the learned counsel, Md. Minnatullah had represented the petitioner in the instant contempt application and at the same time, the learned advocate moved before the Hon'ble Supreme Court and argued the matter, as such, the learned counsel for the petitioner, Md. Minnataullah, was aware of the entire facts, but then he did not



file a supplementary affidavit bringing the said subsequent development on record only with an intention to somehow get an order against the Superintendent of Police, Patna East.

17. The learned State counsel further submits that even he was not aware that petitioner had moved before the Hon'ble Supreme Court, but at the time of filing of the show-cause, the order of the Hon'ble Supreme Court was served on the Investigating Officer of the case, whereby no coercive action was granted to the petitioner by the Hon'ble Supreme Court, as such, this fact came to the notice of the state authorities and thereafter the said fact was brought on record in the show-cause.

18. The Court completely fails to appreciate the conduct of the petitioner and the learned counsel representing him, it absolutely does not stand to reason that as to why the learned advocate, who represented the petitioner in the instant contempt application and also before the Hon'ble Supreme Court, did not bring the said subsequent development on record in the instant contempt application; had the subsequent development been brought on record by way of a supplementary affidavit, the Court would have dropped the contempt proceedings.

19. The conduct of the petitioner is reprehensible for



the reason that he has defied the order of the Court by not appearing before the Court, despite being intimated by his learned counsel, which amply demonstrates that the petitioner suffers from guilt, as he had concealed the subsequent development in the instant contempt proceeding. The petitioner has wasted a lot of time of the Court, but then the Court does not feel persuaded to proceed any further and drops the contempt proceeding with a direction to the petitioner to deposit a sum of Rs. 15,000/- (Fifteen Thousand) with the Patna High Court Legal Services Committee.

(Satyavrat Verma, J)

SUMIT/-

U			
---	--	--	--

