

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4138 of 2019

In
Civil Writ Jurisdiction Case No.11210 of 2019

=====

M/s R.S. Construction, registered partnership firm having its office at Kalisthan Chowk, Police Station- Begusarai, Town, District- Begusarai, through one of its partner namely Rajeev Kumar, aged about 53 years Male, S/o Sri Rameshwar Prasad Singh, Resident of Village and Post- Sihma, Police Station- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Anirudh Kumar, (Name of the father is not known to the petitioner), District Magistrate, Khagaria.
2. Mr. Anirudh Kumar, name of the father is not known to the petitioner), The District Magistrate, Khagaria.
3. Mr. Anirudh Kumar, Name of the father is not known to the petitioner), The District Magistrate-cum-Chairman, District Transport Committee, Khagaria.
4. Mr. Ram Nirajan Singh, Name of the father is not known to the petitioner), The Deputy Development Commissioner, Khagaria.
5. Mr. Shatranujay Kumar Mishra, name of the father is not known to the petitioner), The Additional Collector, Khagaria.
6. Mr. Purshottam, name of the father is not known to the petitioner, The District Transport Officer, Khagaria.
7. Sri Pankaj Kumar, name of the father is not known to the petitioner, The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
8. Mr. Sri Brajkishore Chaudhary, name of the father is not known to the petitioner, The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Khagaria.
9. Smt. Harjot Kaur Bamhrah, name of the husband is not known to the petitioner, Principal Secretary Science and Technology Department, Govt. of Bihar, Patna.
10. Shri Arun Kumar Singh, name of the father is not known to the petitioner, Development Commissioner, Bihar - cum - Chairman, Bihar State Electronics Development Corporation Ltd., (BSEDC), Old Secretariat, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate
For the State	:	Mr.Raghwendra Kumar (SC- 22)
For the B.S.F.C.	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Shailendra Kumar Singh, Advocate
For the Beltron	:	Mr. Girijish Kumar, Advocate

=====



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

14 20-09-2024 Pursuant to the order dated 19.04.2024, the alleged contemnors who are opposite party nos.2 to 6 and 8 are present online. They have filed their respective show causes.

2. This Court has heard Mr. Sanjeet Kumar, learned counsel for the petitioner, Mr. Raghwendra Kumar, learned SC-22 for the State of Bihar, Mr. P.K. Shahi, learned senior advocate assisted by Mr. Shailendra Kumar Singh, learned counsel on behalf of the alleged contemnors and Mr. Girijish Kumar, learned counsel for the Bletron.

3. It appears that while recording a prima-facie view that a case for contempt has been made out against the contemnors, this Court has recorded in paragraph '11' of its order as under:-

“11. In course of submissions, Mr. Shailendra Kumar Singh, learned counsel for the opposite party no. 8 has informed this Court that he had telephonically communicated opposite party no. 8 about the order passed by this Court on 18.09.2019 on the same day during working hours. O.P. No. 8 is one of the signatories to the District Transport Committee as contained in Memo No. 1044 dated 21.09.2019, therefore, again, this plea of the alleged contemnors that they were not aware of the order passed by this Court seems to be



incorrect and the falsity of the statement would be evident from the various circumstances which are apparent on the face of the record.”

4. After passing of the order dated 19.04.2024, the alleged contemnors have been called upon to explain the charges. They have filed their respective show causes on 05.09.2024. The opposite party no.8 who was the then D.M., S.F.C., Khagaria has tendered an unqualified and unconditional apology. He has stated in paragraph ‘4’ that he had not intentionally violated the order of this Court and has prayed to accept the unqualified apology.

5. This Court has interacted with him in course of hearing with reference to the statement of the learned counsel which is recorded in paragraph ‘11’ of the order dated 19.04.2024. He has repeatedly stated that he had not received any information with regard to passing of the order dated 18.09.2019 from the learned Advocate.

6. So far as other alleged contemnors are concerned, they have also filed identical show cause seeking unqualified and unconditional apology from this Court.

7. Mr. P.K. Shahi, learned senior counsel representing them submits that considering that some of the alleged contemnors have already retired from service and one of the



submissions before this Court is that information as regards the order dated 18.09.2019 was not made available to opposite party no.8, this Court may, at this stage, consider discharging the contemnors and the apology being made to this Court be taken as a bonafide apology to the satisfaction of the Court.

8. On the other hand, Mr. Sanjeet Kumar, learned counsel for the petitioner submits that the alleged contemnors have committed contempt of this Court for which they are liable to be suitably punished.

9. This Court has considered the entire materials on the record and the submissions of the parties. It has transpired that the order dated 18.09.2019 was uploaded on the website of the High Court on 19.09.2019 at about 7.00 PM. The meeting of the concerned committee was held on 19.09.2019 at 12.30 PM, therefore, prior to the said meeting the copy of the order of this Court was not available before the Committee.

10. This Court has also been informed that though an e-mail was sent to the opposite party no.8 by Mr. Pankaj Kumar but Mr. Pankaj Kumar was not a party in the writ application. The writ application was filed by M/s R.S. Construction through Mr. Rajeev Kumar but the e-mail was not sent by them. This Court has been shown that e-mail does not mention the name of



M/s R.S. Construction, in such circumstance, the opposite party no.8 could not pay much attention to the said e-mail which was received at 12:04 PM i.e. few minutes before the meeting.

11. Considering that the opposite party no.8 has disputed to have received information from the learned Advocate on 18.09.2019 and that the order of this Court was not available till the evening of 19.09.2019 and so far as the other contemnors are concerned, they were not informed by any other source with respect to the order of this Court prior to the meeting, this being a case of contempt which entails drastic consequences, this Court is persuaded to accept the apology of the alleged contemnors and discharge them at this stage.

12. The contempt proceeding is dropped.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

