

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3573 of 2023

In
Criminal Writ Jurisdiction Case No.273 of 2023

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Nitesh Kumar Singh S/o Pramod Kumar Singh R/o Village- Chatar, P.S-
Barhara, Distrcit- Ara, Bhojpur. At present residing in House No. A 220, A.G.
Colony North of Park Phulwari, P.S.- Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Sri K Senthil Kumar, Son of Not Known, The
Additional Chief Secretary, Department of Home Govt. of Bihar, Patna.
2. Sri R.S. Bhatti, Director General of Police, Bihar, Patna.
3. Sri Kantesh Kumar Mishra Son of Not known the Superintendent of Police,
East Champaran at Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate
For the Opposite Party/s : Md. Fazle Karim, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 08-08-2025 Heard learned counsel for the petitioner and learned
counsel for the Opposite Parties.

2. The present application has been filed for initiation
of contempt proceeding against the opposite party no.3 for
willful disobedience of the order dated 25.04.2023 passed in Cr.
W.J.C. No. 273 of 2023.

3. Learned counsel for the Opposite Parties submits
that a show cause has been filed on their behalf stating that, in
compliance with the order of this Court, the statements of
witnesses have been recorded under Section 161 of the Cr.P.C.,
and the motorcycle involved in the alleged offence has been



seized. The statement of the injured person has also been recorded, and the post-mortem report of the deceased has been received. In addition, statements of other witnesses have been taken, and the CDR (Call Detail Record) of the deceased's mobile number has been obtained and made part of the case diary. The case was duly supervised by the SDPO, Areraj, who found the case to be true against one of the non-FIR-named accused, Sujeet Kumar.

4. Learned counsel further submits that, in the aforesaid background, it is not correct to allege that no action has been taken; rather, action has been taken, which led to the surrender of one of the accused.

5. Learned counsel for the petitioner, however, submits that while one accused has surrendered, another is still moving freely.

6. In light of the submissions made by the parties and the contents of the show cause, this Court finds that the Opposite Parties have indeed taken action pursuant to the Court's earlier direction, which has resulted in the surrender of one of the accused. Accordingly, this Court is not inclined to continue the present contempt proceeding. The contempt proceeding is, therefore, hereby dropped.



7. However, the petitioner shall be at liberty to take appropriate steps in accordance with law, including in light of the ratio laid down in *Surendra Singh vs. The State of Bihar & Ors.*, in *Cr. WJC No. 153 of 2017*.

(Dr. Anshuman, J)

Ashwini/-

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