

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1782 of 2025

Ravi Shankar Kumar Son of Arjun Prasad, resident of House No. 63/73, near Bhim Sen Akhara, Nawagarhi, P.O. Chand Chaura, District- Gaya at present posted as Chief Office Superintendent, Mechanical Department, East Central Rail Sonapur Division, Sonapur.

... .. Petitioner/s

Versus

1. The Union of India through the Director General (R.P.F.) Railway Board Raseena Road, Rafi Marg, New Delhi- 110001 namely Shri Manoj Yadava son of not known.
2. Mr. Amresh Kumar, the Director General - cum-Principal Chief Security Commission, R.P.F., East Central Rail, Hajipur.
3. Sri S. Lius Amutan, Deputy Director General -cum-Chief Security Commissioner (R.P.F.), East Central Rail, Hajipur.
4. Sri Amitabh Kumar, Senior Division Security Commissioner (R.P.F.) Sonapur Mandal, Sonapur.
5. Sri Ajay Kumar, Assistant Security Commissioner (R.P.F.), Sonapur Division, Sonapur.
6. Mr. Saket Kumar, Inspector, the S.H.O. of R.P.F. Post Hajipur, District- Vaishali, the informant of the present case.
7. Sri Narsingh Yadav, the Investigating Officer-cum-the Deputy Inspector, R.P.F. Post Hajipur, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate
For the UOI	:	Mr. Rana Vikram Singh, Dy. SGI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

6 23-04-2026 Heard learned counsel for the parties.

2. Following is the relief sought for in the present
contempt application:-

*“1. That this is an application for
initiation of a contempt proceeding against the*



contemnors- Opposite Parties, specially Opposite Parties No. 6 to 8, specially the Opposite Party No.4, the Senior Division Security Commissioner, R.P.F., Sonapur, who has refused to grant the benefit under section 41A of Cr.P.C. to the petitioner; and willfully, deliberately and intentionally violating the guidelines of Hon'ble Supreme Court of India passed in Arnesh Kumar Vs. State of Bihar judgment dated 02.07.2014 as well as judgment dated 31.07.2023 passed in Md. Asfak Alam Vs. State of Jharkhand, regarding initiation of criminal proceeding against the petitioner being R.P.F. Post Hajipur Case No. 06/2024 dated 20.11.2024 u/s 3 RP(UP) Act, violating the violating u/s 41A of Cr.P.C. by which the Hon'ble Apex Court held that;

“(11.5) The decision not to arrest an accused, he forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;

(11.6) Notice of appearance in terms of Section 41A Cr.P.C. be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;

(11.7) Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction;

(12) We hasten to add that the directions aforesaid shall not only apply to the case under



section 498A-I.P.C. or Section 4 of the Dowry Prohibition Act. Case in hand, but also such cases where offence is punishable with imprisonment for a terms which may be less than seven years or which may extend to seven years, whether with or without fine.”

2. Upon perusal of the materials on record, it appears that the petitioner was apprehended in connection with an offence punishable under Section 3 of the RP(UP) Act and was subsequently released on bail by the learned Judicial Magistrate, Hajipur.

3. In view of the fact that the petitioner has already been released, no further order is required to be passed in the present matter.

4. Accordingly, the present contempt application stands disposed of.

5. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Shailendra Singh, J)

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