

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2035 of 2021

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Bhagwan Singh @ Shri Bhagwan Singh @ Shri Bhagwan Singh Kushwaha
son of Late Dashrath Singh present resident of Anwarpur West, Sahu
Sangathan Road, Ward No. 21, Police Station- Hajipur Town, District-
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Shri Tripurari Sharan, The Chief Secretary,
Government of Bihar, Patna
2. Sri S.K. Singhal, Director General of Police, Bihar, Patna.
3. Shri Manish Kumar, Superintendent of Police, Vaishali.
4. Shri Raghav Dayal, Sub- Divisional Police Officer, Hajipur Sadar, Vaishali
5. Shri Chitranjan Thakur, Inspector of Police cum- Supervising Authority,
Hajipur Town Police Station, Hajipur, Vaishali presently posted at Police
Headquarters, Aurangabad
6. Shri Subodh Kumar Singh, Inspector of Police-cum- Station House Officer,
Town Police Station, Hajipur, Vaishali
7. Shri Arvind Kumar, Assistant Sub- Inspector of Police-cum- Investigating
Officer, Hajipur Town Police Station, Hajipur, Vaishali
8. Shri Pankaj Kumar, Trainee Assistant Sub- Inspector of Police, Hajipur
Town Police Station, Hajipur, Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Adv.
For the Opposite Party/s : Mr. Saroj Kr. Sharma, AC to AAG-3

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 03-04-2026 Heard learned counsel for the parties.

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

*"For initiation of a proceeding of contempt
against the contemnors / opposite parties, and
also for punishment provided under the*



provisions of Contempt of Courts Act as the opposite parties, especially the opposite party no. 5 to 8 have intentionally, willfully and deliberately caused disobedience of the directions contained in Judgment dated 02.07.2014 passed in Cr Appeal No. 1277 of 2014 of the Hon'ble Supreme Court in the case of Arnesh Kumar vs. State of Bihar and Anr, reported in (2014) 8 SCC 273. The opposite party no. 5 being the supervisory authority has directed for arrest of the petitioner without issuance of notice under Section 41A Cr.P.C. and without there being any compliance of Section 41 Cr.P.C., and the opposite party no. 6 to 8 have arrested petitioner from his house in the night of 06.10.2021 at 1:30 am without following the mandate of Section 41 and 41A of Cr.P.C. and the law laid down by the Hon'ble Supreme Court in the case of Arnesh Kumar vs. State of Bihar and Anr, reported in (2014) 8 SCC 273."

3. A show cause has been filed on behalf of opposite party No. 3 in which following statements have been made in paragraph 20 :

"20. That the investigating officer of the case in compliance to the direction issued by his superior officer i.e. the Inspector Police, has after ascertaining the name address etc. of the petitioner tried to service notice under Section 41 (1) Cr.P.C. against the petitioner but he refused to receive the same and further informed that he will obtain bail from the court but not surrender before court thereafter he has been arrested on 06.10.2021. A show cause notice was issued to the investigating officer by this respondent which is received."



4. Considering the aforesaid statements made in paragraph 20 of the show cause, no further order is required to be passed in the present application.

5. Accordingly, the present application stands disposed of.

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

(Sudhir Singh, J)

(Shailendra Singh, J)

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