

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3368 of 2024

In
Civil Writ Jurisdiction Case No.6902 of 2022

Anil Kumar Son of Late Ishwer Sharan Lall Resident of Village- 54A,
Anandpuri, West Boring Canal Road, P.S. Srikrishnapuri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through Mr. Amrit Lal Mina, the Chief Secretary, Government of Bihar, Patna.
2. Mr. Sanjay Kumar Singh, the Principal Secretary cum Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
3. Md. Sohail, Additional Departmental Inquiry Commissioner cum Enquiry Officer, Government of Bihar, Patna.
4. Mr. Vijay Kumar, Under Secretary, Commercial Taxes Department, Government of Bihar, Patna.
5. Mr. Raj Kumar, the Accountant General, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Advocate
For the Accountant General : Mrs. Nivedita Nirvikar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

13 12-09-2025 Learned Advocate for the opposite party submits that against the order passed by this Court, an appeal is pending before the Division Bench and till the disposal of the L.P.A., this Court should not proceed with the instant contempt application.

2. In support of his contention, he refers to an order passed by the Division Bench presided over by the then Chief Justice in Letters Patent Appeal 595 of 2024, wherein the Division Bench observed that during pendency of the appeal, the Single Judge should not proceed with the contempt matter.



3. This matter was considered by this Court in M.J.C. No. 3797 of 2024 in C.W.J.C. No. 10549 of 2024 and vide an order, dated 13.12.2024, considering series of judgment passed by the Hon'ble Supreme Court, this Court held that the order passed in Letters Patent Appeal 595 of 2024 has not laid down a ratio, as in the said order, the Hon'ble Supreme Court's decisions in Modern Food Industries India Ltd., Dr. H. Phunindre Singh and Maninderjit Singh Bitta were not considered.

4. Be that as it may, if the opposite party fails to bring a stay order from the Division Bench, the instant contempt proceeding shall continue.

5. Matter be listed on 19.09.2025.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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