

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1142 of 2024

Arising Out of PS. Case No.-707 Year-2022 Thana- BARACHATTI District- Gaya

Pappu Kumar Manjhi

... .. Appellant/s

Versus

The State of Bihar & Anr.

... .. Respondent/s

with

CRIMINAL APPEAL (DB) No. 1195 of 2024

Arising Out of PS. Case No.-707 Year-2022 Thana- BARACHATTI District- Gaya

Arvind Kumar Manjhi

... .. Appellant/s

Versus

The State of Bihar & Anr.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (DB) No. 1142 of 2024)

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Manish Kumar No. 2, Advocate
Mr. Aryan Singh, Advocate

For the Respondent/s : Mr. Satya Narayan Prasad, APP

(In CRIMINAL APPEAL (DB) No. 1195 of 2024)

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Manish Kumar No. 2, Advocate
Mr. Aryan Singh, Advocate

For the Respondent/s : Mr. Satya Narayan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

6 18-02-2026 As soon as the matter was called out, Mr. Ajay Kumar Thakur assisted by Mr. Manish Kumar No.2, Advocate appears to argue the matter. On finding that Mr. Manish Kumar No.2 is assisting Mr. Ajay Thakur, Advocate on behalf of the appellant even as he happens to be an Additional Public Prosecutor



presently in the panel of the State, this Court raised a query as to whether he can appear on behalf of the private party against the State.

2. Mr. Manish Kumar No.2 was, in fact, asked this question earlier also by one of the Hon'ble Judges of this Court who was constituting the Bench in which the Criminal Appeal (DB) was being heard. He was put to caution, but despite lapse of substantial period, he has continued to do so.

3. This Court, therefore, sent a request to the learned Advocate General to appear and assist this Court in the matter as to whether Mr. Manish Kumar No.2 is permitted by the State to appear on behalf of the private party. The learned Advocate General has appeared and apprised this Court. It is informed that Rule 7(i) of the Law Officers Engagement Rules, 2023 published in the Gazette on the 4th of July, 2023 does not permit a law officer to appear against the State. A clear stand has been taken referring to the said rule that Mr. Manish Kumar No.2 cannot appear on behalf of the private party against the State.

4. Having sensed the trouble, Mr. Manish Kumar No.2 offers an undertaking that he would henceforth either not accept any private brief in his chambers or he would immediately resign today itself as Additional Public Prosecutor. This Court is



of the considered opinion that Mr. Manish Kumar No.2 being an experienced lawyer having spent about two decades at the Bar has been violating the rules which is bordering on the face of a breach of the professional ethics.

5. This Court invited the suggestions from the learned Advocate General and at the Bar and it has been the request of the learned Advocate General and the Bar that Mr. Manish Kumar No.2 may be allowed to resign today itself if he wants to continue with this private practice against the State and he may be left with an admonition only at this stage.

6. This Court accepts the suggestions at the Bar and is not directing initiation of any disciplinary action against Mr. Manish Kumar, No.2, however, the admonition will be there on the record. He may choose for himself the next course of action.

7. Let this matter be taken up tomorrow i.e. on 19.02.2026 for consideration on merit.

8. A copy of the order shall be made available to the learned Advocate General for his records.

(Rajeev Ranjan Prasad, J)

(Praveen Kumar, J)

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