

In the Court of District Judge-III, Begusarai
 Presiding Judge: Brajesh Kumar Singh
 Execution Case No-01/2024

In the Matter of:-

Manish Kumar, s/o-Late Ganesh Sahni, r/o- vill- Handalpur, P.S- Bhawanpur, District-
 BegusaraiPetitioner/ Decree-Holder

Versus

The State of Bihar through D.M. & others

.....Respondents

Ld. Counsel for the Decree-Holder- Dr. Rajnish Kumar, Ld. Adv
 Ld. Counsel for the State- Sri. Surendra Kumar, Ld. A.G.P.

14.10.2025

Order

1. Today is the date fixed for seeking compliance of the orders of this court by the S.P., Begusarai and the D.M., Begusarai. At the outset, it is made clear that this court, vide award dated 18.08.2023, has required both the S.P., Begusarai and the D.M., Begusarai to pay the awarded amount to the tune of Rs.11,61,318/- (Eleven lakh sixty one thousand and three hundred and eighteen rupees only) along with six percent interest as calculated to the tune of Rs. 115819/- (one lakh fifteen thousand and eight hundred and nineteen rupees only). It is relevant to point out that even after lapse of more than two (2) years, the above said amount was not paid. This shows total lack of empathy on the part of both the S.P., Begusarai and the D.M., Begusarai towards a poor petitioner, whose guardian died due to accident caused by the police vehicle bearing registration no- BR9A1368. It is needless to say that the vehicle by which the death was caused belonged to the police, of which the S.P., Begusarai is the custodian at the District level, and the D.M./Collector is the representative of the State Government at the District level. Both the S.P. and the D.M. have been kept in loop since inception, and were rightly made the parties.

2. The order dated 18.08.2023 passed by this court was very specific that the aforesaid amount was required to be paid within the period of one month. Since the Respondents didn't pay the aforesaid amounts, hence the petitioner was constrained to bring execution proceeding against the Respondents. Since long, the present execution proceedings are being carried without result. From this court, innumerable requests and orders were made to the S.P.,

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Begusarai and the D.M., Begusarai. The counsel of the State government was also impressed about the necessity and urgency to pay the amount in as much as the petitioner is in the dire need of money, and is running from pillar to post for receiving the amount, but the S.P., Begusarai and D.M., Begusarai remained totally unmoved for the best reasons known to them.

3. While on each date before this court different excuses were made on behalf of the Respondents, but today Ld. A.G.P has made an interesting submissions that orders of this court could not be complied because of the ensuing Bihar Legislative Assembly election in the month of November 2025 as if the Respondents were waiting for this excuse for delaying in carrying out the orders of this court, thereby defeating the claims of the petitioner. This argument of Ld. A.G.P is outrightly rejected, because the award was passed in 2023, thereafter, Loksabha-elections were held in 2024, in which people of this country have chosen the government at the centre. Now in 2025, another election is pending in which the people of this state would choose the government at the state level. In the year 2026 also, there will be another election in which people of the country would choose their representatives at panchayat level. In a democracy, some election would always be there. So, the pendency of elections cannot be legally sustainable ground for not complying the orders of this court. Hence, this ground of election in November 2025 is hereby outrightly rejected, in as much as several thousands of crores are available in the government-exchequer to hold election every year, but there is no paltry money to pay for the rightful adjudicated claim of the poor petitioner. If this attitude is let to be continued, people are bound to loose faith in the democracy, and in the judicial process. It should not be forgotten that the democratic system exists for the benefit of the people, and not the people exist for the system. In the name of holding elections for choosing democratic government, people can't be left to suffer in lurch.

4. The previous aforesaid specific orders were communiated to the D.M. and S.P., through their respective good offices, but they chose not to honour. From the office of S.P., Begusarai, some unsatisfactory responses were given, nevertheless D.M., Begusarai remained totally unmoved. The D.M., Begusarai is acting under the impression as if he were immune from all the judicial process of the District Court. On previous dates, some letters from the office of S.P.,

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Begusarai were shown to the court that allotment has been sought from the Deputy I.G., Begusarai, however, even Deputy I.G., Begusarai did not think it prudent to make allocation within reasonable time of aforesaid amount. In other words, the government does not hesitate to loose the purse for many trifling activities, but when a matter for paying the rightful adjudicated claim of the poor petitioner comes, the state goes in extreme technicalities and in deep slumber. This indolent attitude of the Respondents in taking over two years in not allocating, and paying the court-adjudicated fund to the poor petitioner speaks a volume about their defiant attitude towards orders of this court. It further shows the total failure of the entire government machineries, including Deputy I.G., Begusarai, S.P., Begusarai and D.M., Begusarai for which they must be held personally accountable. Nobody is above the law, this has to be understood by everyone in this country.

5. It was made clear vide orders dated 21.08.2025, 24.09.2025, 07.10.2025 and 27.10.2025, which were duly conveyed, and communicated to the AGP (Additional Government Pleader) in the open court as well as to the office of both S.P., Begusarai and D.M., Begusarai, but S.P., Begusarai and D.M. have taken no cognizance, and thought it fit not to comply the orders of this court. Since the specific orders of this court are violated, thus, both D.M., Begusarai and S.P., Begusarai have committed the "**contempt of court**", and thus this court, as a neutral arbiter, is inclined to book them under the contempt laws. Consequently, O.C is directed to register a miscellaneous case in from of contempt proceeding against (I) Shri Manish, S.P., Begusarai and (II) Shri Tushar Singla, D.M., Begusarai for defying the orders dated 10.07.2025, 25.07.2025, 21.08.2025, 24.09.2025 and 07.10.2025. Let both the S.P., Begusarai and the D.M., Begusarai be notified that the contempt proceedings have been recommended to be initiated in the Hon'ble Patna High Court as per law against them for defying the aforesaid orders of this court.

6. O.C is directed to send the extracts of relevant file to the Hon'ble High Court, Patna recommending to hold a contempt proceeding against S.P., Begusarai and D.M., Begusarai. Let the responses also of the S.P., Begusarai and the D.M., Begusarai be sent to Hon'ble High Court, Patna along with the relevant extracts for the purpose of initiating the contempt in the Hon'ble High Court as per the relevant rules.

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7. Let the copy of this order be sent to the D.M., Begusarai & the S.P., Begusarai for filing their respective responses on the contempt proceeding. It is made clear that if they don't file their responses within 15 (fifteen) days, it would be taken that they are not interested in filing their replies in this court, and the relevant files would be sent to the Hon'ble High Court without their responses, which would be considered as sufficient compliance before initiating the contempt proceedings. It is needless to say that contemnors would undoubtedly have liberty to file their responses directly in the Hon'ble High Court.

8. Put up this case on 30.10.2025 for receiving the responses of S.P., Begusarai and the D.M., Begusarai, and for appropriate steps thereafter.

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14/10/2025 Dictated
(Brajesh Kumar Singh)
Addl. S. J.-III, Begusarai