

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- Begusarai
.....Petitioner/ Decree-Holder

Versus

The State of Bihar through D.M., Begusarai & others

.....Respondents

Order

17.11.2025

Vide order dated 14.10.2025 against D.M., Begusarai and S.P., Begusarai, the contempt proceeding was recommended, and for this purpose, a separate miscellaneous case was registered. Vide the same order, show-causes from D.M., Begusarai and S.P., Begusarai were invited, however, till date, no show cause has been filed on their behalf. This court has given several opportunities to both D.M., Begusarai and S.P., Begusarai for receiving their respective replies as condition precedent to start contempt against them, but they have let the opportunities go. On behalf of D.M. Begusarai, neither show-cause nor response was filed. However, a response on behalf of S.P., Begusarai to the order dated 14.10.2025 has been filed. It is relevant to point out that, in para no-08 at page no-04 of his response, the S.P., Begusarai reserved his right to file his detailed show-cause before the Hon'ble High Court, Patna itself. It appears that D.M., Begusarai and S.P., Begusarai are willing to file their respective show-causes in the Hon'ble High Court, Patna directly. Hence, this court finds fit to direct the O.C to send the extracts of miscellaneous case (with the relevant orders) to the Registrar General, Hon'ble High Court, Patna with the recommendation to initiate contempt against the S.P., Begusarai and D.M., Begusarai in view of the order of this court dated 14.10.2025. Put up this case on 26-11-2025.

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Dictated

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(Brajesh Kumar Singh)
Addl. S. J.-III, Begusarai

In
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Later on, an order no-488 (Misc.) dated 15.11.2025 of Ld. Principal District and Sessions Judge, Begusarai was communicated. The copy of the order is shown to me. In the order, the Ld. Principal District and Sessions Judge, Begusarai has been pleased to recall the present execution case no-01/2024 for keeping the same in his personal file, for hearing and disposal. Though, this court has no vested interest in the matter, and is willing to send the records of the case to Ld. Principal District and Sessions Judge, Begusarai, and accordingly, O.C is directed to hand over the entire case records to the court of Ld. Principal District and Sessions Judge, Begusarai for keeping the records in his personal file, yet this court notes that the case is recalled by the Ld. Principal District and Sessions Judge, Begusarai without any application at the behest of either party or without report of the court. More importantly, Ld. Principal District and Sessions Judge, Begusarai has passed the aforesaid hasty order of transfer without even looking at the records, may be on the basis of his personal knowledge, because the entire file is pending in the court of District Judge-III. The Ld. Principal District and Sessions Judge, Begusarai has palpably passed the order in the interest of so-called '**administration**', however, section 24 of CPC is conspicuously silent about transfer on the ground of so-called '**administration**'. It is trite that power of the Principal District and Sessions Judge u/s-24 of the CPC can not be exercised '**at his whims and fancies**'. It is well established that every such order of transfer must be based on sound judicial principles, which principles are conspicuously absent in the present order of transfer. The alternative phrase "**of its own motion**" used in section 24 of the CPC cannot be equated with '**the pleasure**' of Principal District and Sessions Judge. Ld. Principal District and Sessions Judge, Begusarai has no absolute power to transfer

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the case when the transferor court is at the stage of concluding the proceedings in that case. By transferring the case at the concluding-stage from this court, Ld. Principal District and Sessions Judge has violated the '*principle of judicial independence*', the very judicial principle which every judge has sworn to protect. By passing the order of transfer, Ld. Principal District and Sessions Judge has made the judiciary a matter of laughing stocks in as much as the judges of sub-ordinate judiciary appear to be only paper tigers, having no order passed by them has got binding effect on mighty and powerful bureaucrats. Truly speaking, my morale is badly dampened by seeing as to how the water is thrown at the entire efforts of this court by sheer this transfer. No judge would ever dare to pass order against the mighty bureaucrats like D.Ms and S.Ps, and then why only poor should be subjected to coercive orders of the court for non-compliance, when mighty bureaucrats are made absolutely immune from judicial process in the lower judiciary. In my opinion, the transfer by Ld. Principal District and Sessions Judge, Begusarai was made to shield the D.M., Begusarai and S.P, Begusarai from contempt proceeding. It is relevant to point out that the incumbent Ld. Principal District and Sessions Judge, Begusarai has interfered in the judicial process in this case on earlier occasions also, which fact is duly recorded in the order of this court dated 23.09.2025. Nevertheless, let the justice be done in this case. I am withdrawing from this case as mandated by the aforesaid transfer by Ld. Principal District and Sessions Judge, Begusarai, but I have no regrets.

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(Brajesh Kumar Singh)
Addl. S. J.-III, Begusarai