

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2126-2130/2025

[Arising out of impugned final judgment and order dated 11-12-2024 in CRADB No. 1238/2024 11-12-2024 in CRADB No. 1181/2024 11-12-2024 in CRADB No. 1150/2024 11-12-2024 in CRADB No. 1136/2024 11-12-2024 in CRADB No. 1278/2024 passed by the High Court of Judicature at Patna]

MADHURI DEVI

Petitioner(s)

VERSUS

ARJUN DAS @ KARIYA & ORS.

Respondent(s)

IA No. 85155/2025 - EXEMPTION FROM FILING O.T.

IA No. 21888/2025 - EXEMPTION FROM FILING O.T.

Date : 01-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) : Mr. Dharmendra Kumar Sinha, AOR
Mr. Rajiv Kumar Jha, Adv.
Mrs. Vandna Beri, Adv.
Mr. Kanishk Mor, Adv.
Ms. Surabhi Jain, Adv.

For Respondent(s) : Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.
Mr. Kashif Khan, Adv.
Ms. Eksha Sharma, Adv.

Mr. Rohit Kumar Singh, AOR
Mr. Shivam Sharma, Adv.
Mr. Akash Kumar, Adv.
Mr. Aditya Sharma, Adv.
Mr. Harsh Tomar, Adv.

Mr. Ashutosh Thakur, AOR
Mr. Chinmay Kumar, Adv.
Mr. Chandra Pratap, Adv.
Mr. Ritesh Singh, Adv.
Mr. Amit Kashyap, Adv.

Ms. Ashmita Bisarya, Adv.
Ms. Sabnam Sultana, Adv.
Mr. Nirmal Kumar Ambastha, AOR

Mr. Jay Kishor Singh, AOR
Mrs. Smriti Singh, Adv.
Mr. Dharmendra Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The case has been listed today in view of order dated 19th May, 2025. For the purpose of ready reference the same is reproduced herein below :

"At the outset, learned counsel for respondent no.4 sought adjournment in the matters.

2. Learned counsel for the petitioner draws the attention of the Court to the counter affidavit dated 04.04.2025, filed by respondent no.2-State of Bihar, which has been affirmed by the Superintendent of Police, Samastipur, Bihar. Special reference is made to paragraph nos.13, 14 and 15 of the counter affidavit filed by the respondent no.2-State.

3. It was contended that the Superintendent of Police of the said district has supported the accused and the impugned order, forgetting that it was an FIR filed by the State, which resulted in conviction after due investigation and prosecution. Having perused the said paragraphs, we are also surprised at the blatant stand in the affidavit filed by the Superintendent of Police of the district in support of the accused.

4. Accordingly, we are constrained to

make Mr. Ashok Mishra, who has affirmed the affidavit dated 04.04.2025 filed in the present case and was holding the post of Superintendent of Police, Samastipur, Bihar, to be impleaded as respondent no.3 in all the matters.

5. Let the newly added respondent no.3 be served through the learned counsel for respondent no.2-State. A personal affidavit shall be filed by the newly added respondent no.3, explaining as to under what circumstances, such stand was taken by him in the affidavit in the present case.

6. List on 01.08.2025."

2. The Court was really concerned with the affidavit filed by the Superintendent of Police, a senior officer in which he had basically given a clean chit to the accused though it was the same police who had conducted the investigation and filed a charge-sheet.

3. In such a view of the matter, we had asked him to file a personal affidavit. Today, learned counsel appearing for the State of Bihar drew the attention of this Court towards the Personal Affidavit filed by Mr. Ashok Mishra, I.P.S., the then Superintendent of Police, Samastipur, Bihar, who had affirmed the said affidavit and is presently posted as Superintendent of Police (G), Special

Branch (Police Headquarters, Bihar, Patna).

4. In paragraph 3, the following statement has been made :

"3 That due to inadvertence/oversight, wrong submissions of one paragraph each, have crept in para 13, 14 & 15 of the Counter Affidavit dated 04.04.2025 but a human mistake has occurred, for which the present deponent tenders unconditional apology."

5. We are surprised that such a stand is taken. The human error is said to be due to the oversight. However, the same has been made at not one but three paragraphs in a short affidavit which has been filed before this Court. Thus, either the Court has to presume that he has not read the affidavit or on the other hand if it is presumed that he had read then there could not have been any inadvertence/oversight or human mistake for the reason that repeatedly in 3 paragraphs such stand has been taken. This, either way, proves that the deponent had affirmed the affidavit in a most casual manner without being sensitive of the responsibility attached to affirming such affidavit and that too before this Court.

6. If this is the seriousness shown by a senior officer towards this Court one can well understand the approach towards other Courts.

7. Though an unconditional apology has been tendered, but in our view, the same would not suffice in the present case as it is high time the Court takes cognizance/judicial notice of such conduct of senior officers who are duty bound to uphold the Rule of Law but act in a manner which is prejudicial to the interest of the State and also in maintaining law and order under their jurisdiction.

8. Accordingly, we put Mr. Ashok Mishra, I.P.S., on notice and issue show cause to him to explain us as to why this Court may not take strict view of the matter and pass appropriate orders against him in this regard.

9. Mr. Ashutosh Thakur, learned AOR, accepts notice on behalf of Mr. Ashok Mishra, I.P.S. (Respondent No. 3), as he is already party here.

10. Mr. Ashok Mishra, I.P.S., is directed to personally appear with his show cause on 19th August, 2025 when the matters be listed, on TOP OF THE LIST.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(ANJALI PANWAR)
COURT MASTER (NSH)