

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No. 261 of 2017**

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1. Bar Council of India through its Assistant Secretary namely Awanish Kumar Pandey, S/o Late Ram Ekbal Pandey, R/o - 21, Rouse Avenue, Institutional Area, P.S. I.T., District Central Delhi, New Delhi - 110002
  2. Manan Kumar Mishra, Chairman, Bar Council of India, S/o Late Sheo Chandra Mishra, R/o Near - Rajdhani Gas Godown, P.S. Shashtri Nagar, District - Patna, Behind - A.N. College, Shivpuri, Patna - 800023
  3. Nilesh Kumar the then Vice-Chairman, Bar Council of India, S/o Sri Shambhu Prasad Agrawal, R/o Upper Bazar Pyada Tolli, Ranchi, P.O. - G.P.O. Ranchi, P.S. - Kotwali Ranchi, District - Ranchi (Jharkhand)
  4. Shrimanto Sen, Secretary, Bar Council of India, S/o - Shantonu Sen, R/o D 773, F.F. P.S. C.R. Park, District - South Delhi, C.R. Park, New Delhi - 110019

.... .... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar
2. Umesh Kumar Singh, S/o Late Kedar Nath Singh, R/o Village - Purwan, P.S. - Brahampur, District - Buxar, At Present - Mohalla - Sarswati Lane, East Lohanipur, P.S. - Kadamkuan, District - Patna (Complainant)

.... .... Respondents

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**Appearance :**

For the Petitioners : Mr. Sanjay Kumar Pandey, Advocate  
For the Respondents : Mr. Partha Sarthi (GA-4)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3 09-03-2017

By the impugned order cognizance has been taken against the petitioners for offences under Sections 420 and 468 of the Indian Penal Code in Complaint Case No. 2312 (C) of 2016 by learned Judicial Magistrate, 1<sup>st</sup> Class, Patna.

The petitioners are Bar Council of India through its Chairman and other office-bearer including the Chairman and Secretary.

Allegation in the complaint petition is that the petitioners by producing some fictitious document get the earlier



Bar Council Rules replaced by some new once just to cheat the members of the association.

Submission of the petitioners is that the validity of the new rules was challenged in C.W.J.C. No. 9976 of 2016 which was dismissed by a Division Bench of this Court by order dated 30.09.2016 vide Annexure – 3 of the writ petition.

Learned counsel for the State is appearing and seeks time for filing counter affidavit.

Let notices be issued to respondent no. 2 both under registered cover with A/D as well as ordinary process, for which requisites etc. must be filed within two weeks, failing which this application shall stand dismissed as against respondent no. 2 without further reference to a Bench.

In the meantime, further proceeding, of Complaint Case No. 2312 (C) of 2016 pending before the court of Smt. Sarika Vahalia, learned Judicial Magistrate, 1<sup>st</sup> Class, Patna/successor Court, shall remain stayed and no coercive steps shall be taken against the petitioners in the aforesaid case.

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**(Birendra Kumar, J)**

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