

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11655 of 2015

Arising Out of PS.Case No. -190 Year- 2014 Thana -SULTANGANJ
District- BHAGALPUR

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Ranjan Bind son of Punit Bind @ Punit Prasad Singh Resident of village -
Samda, P.S. Kharagpur, District - Munger.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-04-2015

Heard both sides.

The petitioner seeks bail in Sultanganj P.S. Case No.
190 of 2014, registered for the offences punishable under Section
364A and other Sections of the Indian Penal Code.

At the outset of the argument, it appears that the
petitioner was not remanded in this case and accordingly, his bail
petition was dismissed by the learned Judicial Magistrate holding
the same not maintainable.

The learned counsel for the petitioner submits that it is
true that the petitioner was not remanded in this case but the court
issued production warrants addressed to the Jail Superintendent.
The production warrant received by the Jail Superintendent for his
remand in the present case bearing Sultanganj P.S. Case No. 190

of 2014, but the accused was not produced nor remanded in the case. It is further submitted that it is the laches of the prosecution on account of which the petitioner could not be produced. The learned counsel for the petitioner placed his reliance on the judgment of Baleshwar Prasad reported in 1995 (2) PLJR 164.

The facts of the aforesaid case were that the accused was arrested by the Police and since the accused brutally assaulted by the mob instead of getting him remanded, the Police brought him to PMCH for treatment and in the aforesaid case it was held that the petitioner was under arrest. In the present case, the petitioner was not at all arrested nor remanded in connection with the present case. Therefore, the aforesaid judgment is not at all applicable and the bail petition is not maintainable.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

If so advised, the petitioner may file a bail petition afresh after being remanded in this case.

(Prabhat Kumar Jha, J.)

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