

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.248 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Arun Kumar, Son of Late Ram Lakhan Sharma, R/o 5/6, North S.K. Puri, Behind
Rajesh Petrol Station, P.S.- Shri Krishnapuri, Patna-800013

.... Petitioner

Versus

1. The State of Bihar

2. Nirmala Kumari, D/o Tarni Prasad, R/o Raja Bazar, Kailash Path, Khajpura,
P.S.- Shashtrinagar, Patna-800014

.... Respondents

Appearance :

For the Petitioner/s : Mr. S.S. Thakur, Advocate
Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Ashraf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 22-01-2015

Gardanibagh (Shashtrinagar) P.S. Case No. 126 of
1991 was registered on the basis of written report submitted by one
Surendra Pratap Singh for the offences punishable under Sections
406, 420, 467, 468, 471 and 120B of the Indian Penal Code and on
conclusion of investigation charge sheet has already been
submitted.

It has been contended that respondent no. 2 Nirmala
Kumari had been sent up for trial in the said case. She was released
on bail by a Bench of this Court on 16th June, 1993. After grant of
anticipatory bail, respondent no. 2 has not surrendered in the Court

below in order to furnish bail bonds.

It has further been contended that due to non-appearance of the respondent no. 2, the trial of the case is being delayed. It is an admitted position that the petitioner is not the informant of the case. The charge sheet of the case has not been brought on record. He is a stranger to the case.

Under such circumstance, I am not inclined to entertain an application under Articles 226 and 227 of the Constitution of India at the behest of the petitioner for issuance of a mandamus to the respondent-State to apprehend respondent no. 2 and produce her in the aforesaid case.

For the reasons discussed hereinabove, I find no merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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