

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26917 of 2015

Arising Out of PS.Case No. -2245 Year- 2002 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Vinod Kumar Singh @ Binod Singh, S/o Chandra Mohan Singh resident
of village- Belaur, P.S. Industrial Area, Distt.- Buxar, at presently posted as
Deputy Jeller Chapra Jail, Saran

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mohan Baheliya S/o BalDev Baheliya R/o Mohalla- Masumganj P.S.-
Bhagwan Bazar, Dist- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2015 Heard learned counsels for the petitioner and the State.

Petitioner being the then Assistant Jailor of Chapra Jail
is apprehending his arrest in a complaint case wherein processes
were directed to be issued after cognizance being taken for the
offences punishable under Sections 307, 324 of the Indian Penal
Code.

It is alleged that petitioner being Assistant Jailor of
Chapra Jail and other accused being Jailor of Chapra Jail threw
chemical on the body of the complainant, who is a life convict and
lit his body on fire causing burn injury.

It is submitted by learned counsel for the petitioner that



accidentally the fire caught during making of phenyl when Chief Jailor, Assistant Jailor and three prisoners including complainant received injuries and they were given proper treatment including the complainant. The information in this regard was given to I.G., Prison. Moreover for the occurrence of 17.08.2002 the complaint was filed on 11.10.2002. The order of cognizance was passed in March, 2007 much after the transfer of the petitioner from Chapra Jail in 2004. Subsequently the petitioner and others challenged the order of cognizance vide Cr. Misc. No. 28324 of 2010 which was admitted and further proceeding was stayed vide order dated 11.08.2010 passed by a coordinate Bench of this Court, but finally the quashing application was dismissed on 17.06.2013. The complainant used to deal in narcotics for which a case being N.D.P.S. Case No. 4 of 2007 was registered against him wherein the petitioner deposed against complainant. It is submitted by learned counsel for the complainant that cognizance was taken in the year 2007. The petitioner was aware about filing of the complaint and after processes being issued, the N.D.P.S. Case No. 4 of 2007 was registered against the complainant which was subsequent to the filing of the present complaint in which the complainant has already been acquitted. A statement has been made in paragraph 3 of the petition that petitioner has no criminal

antecedent.

Considering the delayed lodging of the complaint i.e. after about two months of the occurrence, the further proceeding being stayed by this Court in 2010, the petitioner being government servant having no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saran at Chapra in connection with Complaint Case No. 2245C of 2002 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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