

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36176 of 2014

Arising Out of PS.Case No. -427 Year- 2003 Thana -GOVERNMENT OFFICIAL COMP. District-
EASTCHAMPARAN(MOTIHARI)

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1. Pankaj Kumar @ Pankaj Prasad S/o Hemraj Prasad , resident of village -
Dhankharaiya , P.S. - Harsidhi , District - East Champaran (Motihari) .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

ORAL ORDER

2 13-03-2015

The petitioner pursuant to order dated 26.03.2014

passed by the Chief Judicial Magistrate, Motihari issuing non-bailable warrant of arrest, apprehends arrest in Complaint Case no. 427 of 2003 instituted for violation of the provisions of the Bihar Saw Mill Regulation Act, 1990 and various sections of the Indian Forest Act, 1927. Though substantive offences are all bailable, issuance of non bailable warrest of arrest creates reasonable apprehension.

Learned counsel for the petitioner states that this complaint was filed in the year 2003. Cognizance having been taken, though summons were ordered to be issued, but in fact they have not been issued. He has annexed the entire order-sheet.

Then when the case returned to the file of the Chief Judicial Magistrate, taking the petitioner to be duly noticed and on bail but no Hazri having been filed, his bail bond was cancelled. Realising this mistake, this order was recalled and straightforward non-bailable warrant of arrest has been issued. The facts are borne out by the order-sheet of the court below. I do not like to further comment upon the way and the manner in which the Chief Judicial Magistrate has conducted this case.

Be that as it may, on appearance of the petitioner before the trial court i.e. Court of Smt. Sangita Rani, Judicial Magistrate, 1st Class, East Champaran at Motihari in connection with Complaint Case No. 427 of 2003, the trial court shall release the petitioner on bail on furnishing bonds of Rs.5,000/- (Rupees five thousand) with two sureties of the like amount each to its satisfaction.

(Navaniti Prasad Singh, J)

Amin/-

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