

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46768 of 2014

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

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1. SURYA NATH SINGH SON OF RAM REKHA SINGH JAILOR,
CHAPRA SADAR JAIL, P.S. BHAGWAN BAZAR, DISTRICT -
SARAN AT CHAPRA (BIHAR)

.... Petitioner

Versus

1. THE STATE OF BIHAR

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar

For the Opposite Party : Mr. Indu Bala Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-04-2015

Heard learned counsels for the petitioner and

the State.

Petitioner being Jail Superintendent 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 Jailor of Chapra Jail threw chemical on the body of the complainant, who is a life convict and lit his body on fire causing burnt injury to the complainant.

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 2003. Subsequently the petitioner 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 para 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 a government servant having no criminal antecedent and other injured did not support the accusation levelled in complaint, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 2245(C) of 2002, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions during trial. It is expected from the learned Court below to expedite the trial.

(Dinesh Kumar Singh, J)

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