

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44046 of 2015

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

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Kripa Shankar Pandey S/o late Chakradhar Pandey resident of village
Pahardpur, P.S. Haweli and District Munger at posted as Jailor, Bhojpur
Jail, Bhojpur.

.... Petitioner

Versus

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

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Manoj Kumar

For the Opposite Parties : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

2 14-10-2015

Heard both sides.

Petitioner apprehends his arrest in connection with
Complaint case no. 2245(c) of 2002 registered for the offences
punishable under Sections 324 and 307 of the IPC.

Petitioner during the relevant time was posted as the
Deputy Jailor, Chapra along with other officials. A complaint was
lodged by one of the inmates of the jail in the year 2002 alleging
that at the orders of the three accused persons including the
petitioner co accused Laxman threw acid on him. Cognizance in
this case was taken in 2007 by the Court. Aggrieved by the order
taking cognizance accused persons including the petitioner filed a
quashing application vide Cr. Misc. no. 28324 of 2010. This

Court, by order dated 11.8.2010 stayed the further proceeding. Subsequently, the quashing application was dismissed on 17.06.2013 whereafter the petitioner has filed the present application seeking anticipatory bail.

It is submitted that similarly placed other accused persons, namely, Vinod Kr. Singh @ Binod Singh and Surya Nath Singh have been privileged with anticipatory bail by order dated 03.07.2015 and 23.04.2015. Copies whereof have been enclosed as Annexure-4 series.. In fact, accidentally the fire caught during making of phenol in which the complainant received injury. The matter was promptly reported to the Chief Jailor.

Be that as it may, considering the fact that some other co accuseds have been granted the privilege of anticipatory bail, this Court is inclined to privilege the petitioner with anticipatory bail. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with complaint case no. 2245(c) of 2002, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following

conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

Shyam/-

(Kishore Kumar Mandal, J)

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