

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1280 of 2015

Arising Out of PS.Case No. -41 Year- 1990 Thana -C.B.I CASE District- PATNA

Dr. Mundrika Prasad

.... Petitioner

Versus

The State of Bihar Through The Commissioner, Dept. of Vigilance, Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Advocate

Mr. Shyameshwar Kumar Singh

For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate

Mr. Santosh Kumar Pandey, Advocate

For the State : Mr. Jharkhandi Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

4 19-01-2015 The petitioner seeks quashing of the order dated 13.11.2009 in Special Case No.67 of 1990 arising out of Vigilance P.S. Case No.41 of 1990 whereby the learned court of Special Judge, Vigilance I, Patna while rejecting the petitioner's application under section 317 Cr.P.C. has issued non-bailable warrant to the petitioner.

The order passed by the learned court below is in teeth of the order of this court in the case of Sandeep Kumar Tekriwal Vs The State of Bihar, reported in 2009(2) PLJR 260. In the aforesaid case, this court observed that while rejecting the representation the Court should not at the same time issue bailable or non-bailable warrant. The Court would be within its right to reject the representation and can direct that if the petitioner does not appear on the next date, bailable warrant of

arrest would be issued. In the instant case, the aforesaid line was not adopted.

In this view of the matter, the impugned order issuing non-bailable warrant against the petitioner as well as cancellation of bail bonds is not in accordance with law. The impugned order dated 13.11.2009 is accordingly quashed.

It will be open for the Court to proceed in the matter and may direct for petitioner's appearance, as and when required, as per the guide lines laid down in the case of Sandeep Kumar Tekriwal (supra). However, in the facts and circumstances of the case, the petitioner should deposit a sum of Rs.500/- to the High Court Legal Aid Committee, Patna.

(Samarendra Pratap Singh, J)

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