

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8373 of 2015

Arising Out of PS.Case No. -226 Year- 2007 Thana -KATIHAR District- KATIHAR

1. Kalu @ Kalu Jha @ Shyam Sundar Jha S/o Naresh Mohan Jha, Resident of Village - Naya Tola (Shib Mandir Chowk), P.S. - Town (Katihar), District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Pushpa Sinha (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 06-05-2015

Heard.

It is shocking to see that this court vide order dated 18-06-2014 passed in Cr. Misc. No. 22498 of 2014 directed the Superintendent of Police, Katihar to procure the attendance of Investigating Officer and the Doctor of S.Tr. No. 396 of 2011 arising out of Katihar Town P.S. Case No. 226 of 2007 and produce them before the court of Ad hoc Additional Session Judge-I, Katihar within a month but the trial court has reported that when the investigating officer of the aforesaid case came before the trial court to depose in the above-said case, it was found that the petitioner had been sent to Central Jail, Muzaffarpur. The report of learned trial court also reveals that in

spite of his best efforts, the Central Jail, Muzaffarpur did not sent the petitioner to Katihar Jail and due to the aforesaid reason, the trial of the petitioner could not be concluded.

Learned counsel, appearing for the petitioner submits that the petitioner was sent to Muzaffarpur Central Jail without any reason and as a matter of fact, no case had been instituted against him in the district of Muzaffarpur. It is submitted on behalf of the petitioner that the petitioner was, intentionally, transferred by the Superintendent of Police to the Central Jail, Muzaffarpur with intent to keep the petitioner behind the bar without any progress in his trial.

Considering the aforesaid facts and circumstances as well as submission of the parties and also taking note of this fact that the petitioner is languishing in jail custody since 28-03-2011, let the petitioner named above, be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with S.Tr. No. 396 of 2011 arising out of Katihar Town P.S. Case No. 226 of 2007 to the satisfaction of Learned Additional Session Judge-Vth, Katihar Subject to condition that one of the sureties must be close relative of the petitioner and holder of landed property.

However, the learned trial court is directed to take

stern action against the Jail Authority in accordance with law and ensure the presence of the petitioner before him as early as the possible.

A.K.V./-

(Hemant Kumar Srivastava, J)

U		T	
---	--	---	--