

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36077 of 2015

Arising Out of PS.Case No. -170 Year- 1990 Thana -MAKHDUMPUR District- JEHANABAD

1. Mahesh Singh @ Mahesh Kumar Singh S/o Late Govind Kumar Singh
resident of village - Chorhar, P.S. Magadha Medical, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Surendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 07-09-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

It would appear from perusal of the impugned order that petitioner was all along on bail and substance of accusation was explained to him on 02.06.1992 but in the meantime, one co-accused came before this court for quashing of his prosecution and subsequently, the prayer of aforesaid co-accused was allowed and accordingly, his prosecution was quashed sometime in the year 2002 and thereafter, notices and other process were issued against the petitioner and on the strength of warrant of arrest issued against the petitioner he was arrested by the police and produced before the court below on 18.09.2014 and since then he is languishing in jail custody.

There is nothing in the impugned order to show that any summons or notice before issuance of warrant of arrest was ever served upon the petitioner. Moreover, explanation on behalf of the petitioner is that when the prosecution of co-accused was quashed by this court, the petitioner came under misconception that the entire case was quashed by this Court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner 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 Sub Divisional Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No. 170 of 1990.

(Hemant Kumar Srivastava, J)

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