

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38774 of 2014

Arising Out of PS.Case No. -1069 Year- 2010 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Chanchal Kumar @ Chanchan Kumar, Son of Ratan Mistry, resident of
village- Nasibchak, Police Station- Barbigha, District- Sheikhpura

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party : Mr. Prem Kumar Jha(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 14-01-2015

This case reveals certain startling facts as to the manner in which the learned ad hoc Additional Sessions Judge, 1st, Nalanda at Biharsharif dealt with the proceedings.

Alleging that the petitioner demanded a sum of Rs.50,000/- as additional dowry, the wife of the petitioner submitted a complaint. The case was registered by invoking Sections-498A of I.P.C. The petitioner was tried for the offence by the court of Judicial Magistrate, 1st Class-cum-Additional Munsif, Biharsharif in Case No.1069(C)/10/Trial No.4675/14. Through judgment dated 14.7.2014, the trial court convicted the petitioner and sentenced him to undergo imprisonment for one

year. Aggrieved by that, the petitioner filed Criminal Appeal No.33/14 in the court of Ad hoc Additional ad hoc Additional Sessions Judge, 1st, Nalanda at Bihar Sharif. He has also filed an application for bail. The lower appellate court dismissed the application. Hence, this application.

Heard Shri Raj Kishor Prasad, learned counsel for the petitioner, and Shri Prem Kumar Jha, A.P.P., for the State.

It is rather fundamental and basic that whenever a criminal appeal is filed against the judgment of a trial court wherein the accused is sentenced to imprisonment of 3 years or less, granting of bail is a matter of course. In the instant case, the sentence itself was for one year. The lower appellate court dismissed the bail application on 23.7.2014 and it is brought to the notice of the Court that even now the Appeal is pending.

The Registry is directed to call for remarks of learned Judge as to why necessary observations be not made against his functioning and as to why the matter not be placed before the concerned committee regarding the manner in which he dealt with the same. The report shall be submitted to the Registry within two weeks and

thereafter it shall be placed before me for further steps.

In the meanwhile, the petitioner named above is directed to be released on bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of learned Ad hoc Additional District and Sessions Judge, 1st, Nalanda at Biharsharif in Cr. Appeal No.33 of 2014 (arising out of Complaint Case No.1069(C)/10/Trial No.4675/14, on the same terms on which he was released during trial.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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