

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45873 of 2014

Arising Out of PS.Case No. -43 Year- 2014 Thana -MAHILA PS District- JAMUI

- =====
1. Ashok Kumar son of Parmeshwar Das resident of village Bhandra P.O. Noormar P.S. Barhat, Distt. Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arti Kumari w/o Ashok Kumar Headmistress in Navin Primary School Musahri Tola at Mohalla Mahisourhi PO and PS and Distt. Jamui.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 09-09-2015

The present application was filed with a prayer for anticipatory bail in a case registered for the offences punishable under Sections 323, 504, 307, 379 and 498A/34 of the Indian Penal Code.

On the joint prayer of petitioner and the informant this Court vide order dated 12.03.2015 directed to list the matter on 24.03.2015 at 2:10 P.M in Chambers to enable the petitioner and O.P. No. 2 to appear before this Court in person. In the meantime it was directed not to take any coercive step against the petitioner in connection with Jamui Mahila P.S. Case No. 43 of 2014, pending in the Court of learned SDJM, Jamui. But the I.O of the case Mr. Raj Kishore Tiwari arrested the petitioner on 22.03.2015 in spite of the fact



that the petitioner presented to him this Court's order dated 12.03.2015 whereby the interim protection was granted to the petitioner. This fact was brought to the notice of the Court on 24.03.2015 when the concerned I.O. was directed to appear before this Court on 20.04.2015 with affidavited show cause as in what circumstances the order of this Court was violated when the order dated 12.03.2015 was not only available on the website of Patna High Court but also in the records of learned S.D.J.M, Jamui. This Court directed the Superintendent of Police, Jamui to hand over the investigation of the case to some other police officer forthwith but in spite of that the Raj Kishore Tiwari was allowed to file final form(charge-sheet) on 29.03.2015.

This Court vide order dated 20.04.2015 directed to conduct an enquiry and submit a detail report on affidavit to this Court through some responsible officer as under what circumstances the order of this Court was violated.

The Superintendent of Police, Jamui is present in the Court and submits a report to the effect that the Departmental Proceeding has been initiated against the concerned Police Officer. The Superintendent of Police, Jamui further assures this Court that in pursuance to the enquiry report needful action will be taken against the concerned police officer. It is expected from S.P., Jamui to get the enquiry conducted expeditiously.

In the circumstances, the appearance of Superintendent of Police, Jamui is dispensed with.

Since the petitioner has been granted regular bail by learned Court below subsequent to his arrest, hence the present application has become infructuous and accordingly disposed of.

(Dinesh Kumar Singh, J)

Shageer/-

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