

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22489 of 2015

Arising Out of PS.Case No. -250 Year- 2011 Thana -ARA NAWADA District- BHOJPUR

1. Chandan Mishra Son of Mantu Mishra @ Srikant Mishra resident of Village - Sonbarsa, P.S. Buxar, Industrial Area, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar

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

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

09/ 03.02.2016 Explanation is filed on behalf of the Inspector General (Prison) Bihar, Patna who is present before the court in person.

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner was neither caught on the spot nor anything was recovered from his conscious possession and he has been detained in jail custody since 22.9.2011 in connection with other cases.

The present case has been lodged under sections 399, 402, 414 of the Indian Penal Code and sections 25 (I-B)A, 26,35 of the Arms Act but due to laxity of the official, petitioner could not be remanded in the present case though learned Chief Judicial Magistrate sent several production warrants as well as reminders to the concerned authority and when the aforesaid fact was brought to the notice of this court as the petitioner sought bail in the present case on the ground of his illegal detention, then the concerned authority produced the

petitioner before the court below in the present case on 25.1.2016.

No doubt, petitioner carries criminal antecedent of several case but considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of his period of detention in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge V, Bhojpur at Ara in Sessions trial no. 69/2015 arising out of Ara Nawada P.S. Case no. 250/2011.

Before parting with the order, I would like to say that IG (Prison), Bihar, Patna/ concerned authority must take appropriate action against erring official (s) within the reasonable time.

The presence of IG (Prison), Bihar, Patna stands dispensed with.

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(Hemant Kumar Srivastava,J)

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