

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39995 of 2016

Arising Out of PS.Case No. -299 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Shambhu Sahni, son of Bewelal Sahni, Resident of Village-Nanpur, P.S.-
Teghra, District-Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Karandeep Kumar, Advocate

For the Opposite Party : Mr. Sir Pawan Kumar Chaurasiya (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 17-09-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

After perusal of the written report, it is apparent that police officials as well as the administrative officials did not engage themselves in discharging their function properly. Had there been, Shaligram Paswan, the accused who was under custody, would not have mobile set in his possession. Putting the aforesaid mobile on surveillance is another example which suggests that the administration had allowed the custodial accused to have mobile set in his possession as well as permitted him to use frequently. Moreover, even having the conversation completed, though mobile set possessed by the petitioner was seized, no raid was conducted at jail to seize mobile set having in

possession of custodial accused Shaligram Paswan for its connectivity. Petitioner remained under custody since 23.06.2016.

Considering the nature of allegation in consonance with the period of detention though, as per para 3 petitioner has got criminal antecedent, petitioner namely Shambhu Sahni is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. case no. 299/16. Let a copy of order be served upon D.G.P., Government of Bihar, Patna as well as I.G., Prison along with learned lower court, to take appropriate steps in accordance with law.

(Aditya Kumar Trivedi, J.)

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