

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33514 of 2017

Arising Out of PS.Case No. -50 Year- 2016 Thana -BARHARIA District- SIWAN

PAPPU MUSLIM @ SAHID ALI, Son of Naushad Ali, resident of Village- Pakdi, P.S.- Barharia, Distt. Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 13-09-2017

Heard the learned counsel for the

petitioner and learned Additional Public Prosecutor for the State.

Perused the explanation of Jail Superintendent, Siwan in pursuance of order dated 30.08.2017 regarding the non-production of accused Pappu Muslim @ Sahid Ali in Sessions Trial No. 142 of 2017 arising out of Barharia Police Station Case No.50 of 2016. The explanation is not satisfactory, as no administrative authority can transfer the undertrial prisoner without permission of the court. The explanation does not reveal that the permission of the court was taken while transferring the said undertrial prisoner to Bhagalpur Jail nor the explanation shows that for how



long the permission was granted.

Allegation against petitioner Pappu Muslim @ Sahid Ali is that he fired twice causing injury to the informant. Earlier prayer for bail was refused on 30.01.2017, though the petitioner was in custody since 10.08.2016. The prayer was refused in Cr.Misc.No. 53243/2016 with liberty to the petitioner to renew the prayer for bail after completion of nine months in jail, if the trial is not concluded in the meantime. The trial has not concluded due to laches on the part of the Jail Authority.

Hence, let petitioner, abovenamed, be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2 Siwan, in connection with Barharia P.S.Case No.50 of 2016 (S.Tr.No.142/2017).

Let a copy of this order be communicated to the Superintendent of Jail, Siwan also.

(Birendra Kumar, J)

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