

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21498 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- BHABHUA (KAIMUR)

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Shiv Pujan Singh S/o Late Raj Kumar Singh, R/o Village- Dadurhar, P.S.-
Chainpur, District- Bhabhua, the then Block Agriculture Officer, Gumla

.... Petitioner

Versus

The State of Bihar through the Vigilance

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vindhya Keshri Kumar, Sr. Advocate
Mr. Sanjay Kumar Mannu, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 04.08.2010 passed by the learned Special Judge, Vigilance-II, Patna in Special Case No. 37 of 1987 whereby the bail bond of the petitioner had been cancelled and non-bailable warrant of arrest had been issued against him.

2. Mr. Vindhya Keshri Kumar, learned Senior Counsel for the petitioner has submitted that the alleged offence relates to the period 1978 to 1987 for which FIR was instituted on 17.08.1987 and on completion of investigation, charge-sheet was



submitted in the year 1995. He has submitted that during the pendency of the application, the petitioner has already surrendered before the Special Judge on 24.08.2017 and has been remanded to judicial custody. He has contended that though technically, the application has become infructuous, he is pressing this application for grant of bail, as the petitioner is a retired administrative officer of the agricultural department and is suffering from Cancer. He has submitted that the petitioner superannuated on 31.12.1998 and, since then, he was regularly attending the court till 14.07.2010. However, under unavoidable and compelling circumstances, he could not appear on 04.08.2010 pursuant to which his bail bond was cancelled.

3. In the background of the facts stated above, learned Senior Counsel has contended that in exercise of power conferred under Section 482 of the Code of Criminal Procedure, this Court may direct the petitioner to be released on bail.

4. On the other hand, learned counsel for the Vigilance has submitted that the petitioner has not approached the High Court for grant of bail. He has contended that the application of the petitioner has become infructuous, as by filing the present application, he had challenged the order dated 04.08.2010 by which his bail bond was cancelled. He has contended that in case the



petitioner moves an application for bail before the court below on the grounds argued before this Court, the court below would certainly consider the same and pass order in accordance with law.

5. I have heard learned counsel for the parties.

6. It is true that technically, the application has become infructuous. However, taking into consideration the old age of the petitioner and the other mitigating circumstances put forth before this Court, the application is disposed of with a direction to the learned Special Judge-1, Patna that in case the petitioner moves an application for grant of regular bail, the same should be considered sympathetically and favourably taking into account the advanced age of the petitioner.

7. As the case is of the year 1987, the learned Special Judge Vigilance is also directed to expedite the trial of the case and conclude the same as early as possible.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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