

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24842 of 2018**

Arising Out of PS.Case No. -38 Year- 2016 Thana -BIHRA District- SAHARSA

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Sushil Pandey, Son of Late Mahinarayan Pandey, Resident of Village -  
Gandaul, P.S. - Bihra & District - Saharsa.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Diwakar Prasad Singh

For the Opposite Party : Md. Ashlam Ansari

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

6      10-10-2018                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 384, 386, 504, 506 and  
120B/34 of the Indian Penal Code.

The Jail Superintendent, Saharsa is physically  
present in Court in pursuance of order dated 19.09.2018. His  
explanation, for transferring the co-accused Pappu Deo to some  
other jail, without permission of the Court, where trial of Pappu  
Deo is pending, is not satisfactory.

Jail Superintendent, Saharsa is warned to be  
careful in future.

Personal appearance of the Jail Superintendent,  
Saharsa is dispensed with.



Let a copy of this order be communicated to the Inspector General, Prison and Reforms, Bihar.

Petitioner Sushil Pandey was declined regular bail by this Court by order dated 22.06.2017 in Cr. Misc. No. 23994 of 2017. A copy at Annexure-1 with liberty to renew prayer if the trial is not concluded within nine months.

The report of the learned trial Judge revealed that even charge could not be framed as co-accused Pappu Deo was transferred to some other jail. Thereafter, explanation was sought for from the Superintendent, Sub Jail, Saharsa as to why co-accused Pappu Deo was transferred without permission of the Court where he was under trial prisoner at Saharsa.

Now, the position is that charges have already been framed in this case. Petitioner is in custody since 28.03.2017. Co-accused Pappu Deo has already been allowed bail by a Coordinate Bench of this Court vide order dated 10.09.2018 passed in Cr. Misc. No. 32646 of 2018.

Considering the entire facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihra Police Station



Case No. 38 of 2016, subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

**(Birendra Kumar, J)**

Kundan/Rajan

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