

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44390 of 2018

Arising Out of PS. Case No.-123 Year-2017 Thana- Suryagarha District- Lakhisarai

Ranvir Kumar @ Ranvir Yadav, son of Late Jagdish Yadav, Resident of village - Nista, P.S.- Suryagarha, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bharat Lal, Adv.
For the Opposite Party/s :	Mr. Umesh Lal Verma, A.P.P.
	Mr. Ramakant Sharma, Sr. Adv.
	Mr. Ram Sewak Chaudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 02-01-2019 Heard Sri Bharat Lal, learned counsel for the petitioner, Sri Umesh Lal Verma, learned Addl. Public Prosecutor as well as Sri Ramakant Sharma, learned senior counsel, assisted by Sri Ram Sewak Chaudhary, learned counsel for the informant.

This is second attempt for grant of bail on behalf of the petitioner. Earlier, the prayer for bail of this petitioner was rejected long back on 17-11-2017 vide Cr. Misc. No. 55425 of 2017. Accordingly, on 26-09-2018 while the matter was taken up, this Court summoned report from court below regarding the stage of the case. Pursuant to the direction of this Court, a report of learned Chief Judicial Magistrate, contained in letter no. 184/18 dated 11th October, 2018, has been received. After going



through the report, I am of the opinion that the learned Chief Judicial Magistrate/ concerned court has not acted expeditiously in accordance with law. It is evident from the report that charge-sheet was submitted vide charge-sheet no. 169/17 in the year 2017 itself. However, till date case has not been committed to the court of sessions. Some reason has been assigned by the learned Chief Judicial Magistrate that one of the accused was not appearing and steps were taken for ensuring his presence. Meaning thereby that learned Chief Judicial Magistrate wanted to proceed only after appearance of one of the accused and, as such, due to non-appearance of one of the accused, the case of other accused persons also has not been committed to the court of sessions. The report indicates, as if, the learned Magistrate was considering the committal proceeding as per old Code. Once a case relating to an offence, which is to be tried by the court of sessions, is brought before the Magistrate, the learned Magistrate is required only to ensure supply of police paper to accused persons and, thereafter, commit the case to the court of sessions. At the time of commitment, he is not required to examine the case on merit, however the report of the learned Chief Judicial Magistrate depicts in otherwise manner. Even if there was difficulty in securing appearance of one accused, the



learned Magistrate was required to separate his case and commit the case of other accused persons, in respect of whom provision under Section 207 of the Cr.P.C. was complied with. It appears that this is the reason that the case is still pending before the Magisterial Court.

Be that as it may, fact remains that petitioner is in custody since 29-06-2017 in a case triable by the court of sessions without the case being committed to the court of sessions. Accordingly, there is no reason to further detain the petitioner. Let the petitioner, namely, Ranvir Kumar @ Ranvir Yadav be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Surajgarha P.S. Case No. 123 of 2017.

It goes without saying that the learned Chief Judicial Magistrate / concerned Magistrate is required to take appropriate steps in accordance with law without any delay.

(Rakesh Kumar, J.)

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