

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53044 of 2019

Arising Out of PS. Case No.-5 Year-2012 Thana- EAST COLONY District- Munger

Fr. Martin Anand Son of Late Remy Simon Resident of St. Joseph's Church,
Jamalpur Munger, P.S. - Nawada, District - Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Braj Nandan Singh Son of Late Jaleshwar Prasad Singh Resident of Bara Bazar, P.S. - Kotwali, District - Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 16-09-2019

Heard learned counsel for the parties.

2. The petitioner is an accused in Munger East Colony P.S. Case No.5 of 2012. The case relates to an occurrence of theft of books worth Rs.70,000/- and computer from the house of informant-Opposite Party No.2 allegedly committed by the petitioner. In the past petitioner had visited abroad after grant of permission by this Court in Cr. Misc. No.36333 of 2013 by order dated 04.09.2013, a copy at Annexure-4.

3. By the impugned order dated 29.07.2019, the prayer of the petitioner to visit abroad has been declined only



for the reason that charges have not been framed as yet. However, the impugned order does not reveal that why charges have not been framed as yet since last five years. The petitioner initially wanted to visit Switzerland on the request of his friend from 15th of September, 2019 to 30th of September, 2019. Now a supplementary affidavit has been filed informing the Court that the program has been rescheduled from 20th of September, 2019 to 24th of October, 2019.

4. There is no reason to refuse the prayer of the petitioner to go abroad for such a short period on the pretext that framing of charges would be delayed especially when the charges have not been framed since last seven years in a case of theft in a dwelling house.

5. Mr. Joe Dietlin, permanent resident of Switzerland, in his letter for Visa addressed to the Embassy of Switzerland has stated that he will ensure repatriation of the petitioner to his home country before expiry of his Visa.

6. In the aforesaid facts and circumstances, let the impugned order be set aside and the petitioner is permitted to visit Switzerland as per his schedule. In the event of any violation of undertaking of the petitioner to return back to the country after the aforesaid period, Mr. Joe Dietlin would also be responsible



for appropriate action according to law.

7. Aaccordingly, this application stands allowed.

8. Let this order be immediately communicated
before the learned Courts-below.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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