

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72926 of 2018

In
CRIMINAL APPEAL (SJ) No.978 of 2018

Arising Out of PS. Case No.- Year- Thana- District-

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Madan Mohan Malvia Son of Mahadeo Pandey Resident of Village-
Badiha,P.O., Shankasur,P.S. Indrapuri, Distt.-Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Opposite Party/s : Smt. Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 27-03-2019 Petitioner Madan Mohan Malvia was allowed anticipatory bail by this Court in Cr. Appeal (SJ) No. 978 of 2018 in connection with Dehri (Indrapuri) P.S. Case No.425 of 2016 a case under Sections 419/420 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said order was received by the Court-below on 16.07.2018 which would be evident from the order sheet of lower court records.

The petitioner filed bail bond along with a petition before the court-below, vide Annexure-2 series, on 03.08.2018. However, the Court-below allegedly returned the petition and bail bond to first get the order of this Court dated 10.07.2018 be



corrected as in the cause title the name of P.S. is mentioned as Dehri Town.

Thereafter, for necessary correction this Cr. Misc. No.72926 of 2018 has been filed. On 23.01.2019 this Court passed following orders:

“Submission of the learned counsel for the petitioner is that the petitioner was granted anticipatory bail by this Court on 10.07.2018 in Cr. Appeal (SJ) No. 978 of 2018 in connection with Dehri (Indrapuri) P.S. Case No.425 of 2016. However, when the petitioner went to surrender and furnish bail-bond, the learned Additional Sessions Judge-I, Rohtas at Sasaram, asked the petitioner to get the cause title of the order be corrected otherwise he would not accept the bail bond and may send the petitioner to jail. In the title cause, it is mentioned as P.S. Dehri Town. If there is any other police station named as Dehri Town then confusion of the Court-below is genuine and bona fide. If there is no other police station named as Dehri Town except Dehri P.S. or if there is no police station named as Dehri Dehat (Rural) then the confusion was creation of mind of the Court-below especially when in the recital portion of the order Dehri P.S.



is mentioned.

Call for an explanation from the Court-concerned as to why bail bond of the petitioner was not accepted even provisionally and the petitioner is being harassed unnecessarily. The explanation must come within ten days.

List this matter on 06.02.2019.”

In pursuance of the order aforesaid, the learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram, submitted his show-cause dated 31.01.2019 and flatly denied the fact that any bail bond was filed in the case. However, the order sheet of the lower court record shows that on 03.08.2018 some order was to be written but the date was cutaway and order dated 12.10.2018 was recorded. Annexure-2 series would reveal that in fact the bail bond was produced before the Court-below along with petition duly stamped on 03.08.2018. Hence, explanation of the Court-below is not acceptable.

Let the matter be placed before Hon'ble the Chief Justice for appropriate action against the Presiding Officer of the Court of 1st Additional Sessions Judge, Rohtas at Sasaram.

Further four weeks time from today is allowed to the petitioner to furnish bail bonds in pursuance of the order of this



Court dated 10.07.2018 passed in connection with Dehri
(Indrapuri) P.S. Case No.425 of 2016.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

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