

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45623 of 2019

Arising Out of PS. Case No.-28 Year-2017 Thana- WAJIRGANJ District- Gaya

SONU KUMAR Son of Sri Anil Singh Resident of Village- Kadauna, P.S.-
Wazirganj, District- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Tiwary, Adv.

For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
RESERVED ORDER

15 24-07-2020 Heard learned counsel for the petitioner as well as
learned APP through video conferencing.

2. Prayer for bail on behalf of petitioner, Sonu Kumar has been reheard on account of rejection of prayer an earlier occasion vide order dated 09.11.2017 in connection with Cr. Misc. No. 47922/2017.

3. During course of submission, it has been argued on behalf of petitioner that the co-accused along with petitioner had also made prayer of anticipatory bail under Cr. Misc. No. 14615/2017 as well as Cr. Misc. No. 16157/2017 and got rejected vide order dated 06.07.2017 remained outside and then just after surrender on 12.07.2019, they have already been granted bail vide B.P. No.1397/2019. Petitioner is under custody since 2017. Hence, be allowed bail.

4. Learned Additional P.P. opposed the prayer and



submitted that after proper acknowledging the merit of the case, prayer has been refused. Hence, no question of reconsideration survives.

5. After hearing the learned counsels, matter proceeded, successive reports have been called for, directions were given. The last exhaustive report has accordingly, been transmitted by the learned Sessions Judge, Gaya vide letter no. 9248/2019.

6. Seen the report submitted by the learned lower court wherefrom it is evident that 13.07.2020 was the date fixed for judgment which might have been pronounced. However, office will do the proper exercise, administratively in order to procure subsequent report.

7. In the aforesaid facts and circumstances of the case, I do not see any cogent ground to accede with the prayer so raised at the end of petitioner regarding grant of bail, whereupon, the instant petition is dismissed.

8. The most alarming feature which strikes the conscience of the Bench, is over conduct of the learned P.O, Sri Sri Ashok Kumar Pandey, who is presently posted as Presiding Officer, Family Court, Buxar. It is evident that while granting bail under BP No. 1397/2019 vide order dated 03.08.2019, the



learned P.O. did not bother to see the plea raised by the petitioners namely, Anil Singh and Tuntun Kumar escaped themselves after refusal of their prayer for anticipatory bail by the High Court under Cr. Misc. No. 16157/2017 as well as Cr. Misc. No. 14615/2017, which facts were not at all mentioned under para-2 of the bail petition and, the learned P.O. ignored intentionally in spite of having been properly incorporated in the rejection order of the learned CJM.

9. On that very score, show-cause was asked for and the learned P.O. submitted that other co-accused have already been granted bail by the High Court under Cr. Misc. No. 26070/2019, so coming in toe with the direction of the High Court passed in **2011(2)PLJR 1143 (HC)**, bail was granted to the petitioners of B.P. No. 1397/2019.

10. In the aforesaid background, the District & Sessions Judge, Gaya was directed to hold a fulfilled inquiry and search out the suspected orders of the then learned P.O., Sri Ashok Kumar Pandey who is presently posted as Principal Judge, Family Court, Buxar and the detailed report along with relevant orders have been transmitted by the District & Sessions Judge, Gaya.

11. Gone through the same whereupon, it is apparent



that matter needs to be placed before Hon'ble Standing Committee to be dealt with administratively.

12. Accordingly, office is directed to place all the relevant materials i.e., file, order of bail petition no. 1397/1997, Order of Cr. Misc. No. 14615/2017 as well as that of 16157/2017, show-cause/supplementary show-cause furnished by the P.O., inquiry report along with relevant order-sheets furnished by the District & Sessions Judge, Gaya, before the Hon'ble Standing Committee at once.

(Aditya Kumar Trivedi, J)

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