

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.410 of 2020

Arising Out of PS. Case No.-551 Year-2013 Thana- CIVIL LINE District- Gaya

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Birendra Kazi @ Birendra Kumar, Son of Bhup Narayan Kazi, Resident of
Village-Bairiya Khurd, P.S-Laukariya, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Inspector General of Police (Prison) Govt. of Bihar, Patna.
2. The Superintendent Central Jail Gaya, P.S. Gaya, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-03-2021

Petitioner has prayed for the following relief(s):

“That the petitioner above named is filing the present writ of Habeas Corpus seeking a direction specially to respondent no.2 to release him in accordance with the order dated 02.09.2020 passed by this Hon’ble Court in Cr. Misc. No. 21685/2020 pursuant there to release order issued on 19.09.2020 by the learned A.C.J.M. 13 Gaya after accepting his bail bond on 18.09.2020 furnished by him in connection with Gaya Civil Lines P.S. Case No. 551/2013 registered u/s 406,420,467,468,417,120B/34 I.P.C. against him and eleven others in which he



is incarcerated in Judicial Custody since 29.12.2014 and for issuance of any other order/orders writ/writs for which the petitioner is found entitled in the facts and circumstances of the case.”

Having heard learned counsel for the parties, we are satisfied that the petitioner’s detention, pursuant to the directions issued by this Court vide order dated 02.09.2020 passed in Cr. Misc. No. 21685 of 2020, titled as Birendra Kazi @ Birendra Kumar Vs. the State of Bihar, cannot be said to be illegal, for as is evident from supplementary counter affidavit filed on behalf of respondent no.2, namely Superintendent, Central Jail, Gaya, petitioner is involved in multiple cases in which different orders of remand were issued by the Court having competent jurisdiction. One such order of remand was issued on 30th of January, 2019 by the Court having competent jurisdiction at district Patna and the other order was issued on 17th of February, 2021 by the Court having competent jurisdiction at district Sitamarhi.

Importantly, the bail order dated 02.09.2020 passed in Cr. Misc. No. 21685 of 2020, titled as Birendra Kazi @ Birendra Kumar Vs. the State of Bihar does not pertain to any one of the cases in which such order of remand stood issued by the Court having competent jurisdiction either at Patna district



or at Sitamarhi district.

As per the counter affidavit, the petitioner was involved in more than four cases, in which different orders of remand were passed.

As such, the present petition, devoid of merit, stands dismissed.

Interlocutory Application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/P.K.P/

AFR/NAFR	
CAV DATE	
Uploading Date	23.03.2021
Transmission Date	

