

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25223 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- PARBATTa District- Khagaria

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Sunny Kumar, Son of Shambhu Chaudhary Resident of Village - Shirajpur,
P.S. - Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 20-09-2022 No one appears on behalf of the petitioner.

Yesterday, (19.09.2022) also, no one appeared on call.

The case is registered under Sections 341, 323, 379, 307/34 of the Indian Penal Code and Section 27 of the Arms Act in connection with Supplementary Parbatta P.S. Case No.17 of 2021.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

As per the prosecution story, on 21.11.2020 at about 14.00 hrs., when the informant was returning from his agriculture field and reached near 'Dam' he saw five persons namely Sunny Kumar, Kanhaiya Kumar, Chandan Kumar, Chhotu Kumar and Loha Chaudhary on motorcycle and further accused Sunny Kumar threatened the informant and snatched one gold chain valued at Rs. 80,000/-. Upon objection, accused



Kanhaiya Kumar, Chandan Kumar, Chhotu Kumar and Loha Chaudhary assaulted the informant. Further allegation is that upon order of Kanhaiya Kumar, Sunny Kumar opened fire on informant. As the villagers started assembling, accused persons tried to escape but one Loha Chaudhary was caught. He was handed over to Parbatta police. Accordingly, the FIR was lodged.

Mr. Jitendra Kumar Singh, learned APP pursuant to the last order dated 16.09.2022 has filed show-causes on behalf of the Superintendent of Police, Khagaria through the Incharge Superintendent of Police, Khagaria (in view of the fact that the Superintendent of Police, Khagaria, Mr. Amitesh Kumar is on casual leave) and the Officer-in-charge, Parbatta P.S. As per the said show-cause of Superintendent of Police, Khagaria, pursuant to letter dated 22.08.2022 of the learned court, the Office of the Superintendent of Police, Khagaria immediately directed the S.H.O., Parbatta Police Station, Khagaria to provide the required documents on 25.08.2022 (Annexure-A).

As however, he failed to do so, a show-cause has already been issued to him vide Letter No.351 dated 17.09.2022 (Annexure-B).



From the aforesaid fact, it is clear that the S.P. Office, Khagaria do not maintain a register in which there is any column of receipt of letter of the Hon'ble Courts and or the date of compliance/reply of the said letter.

However, taking into account the fact that the Office of the Superintendent of Police had acted diligently in the matter, the show-cause is accepted with the further direction that any intimation sent to the concerned police station must be followed by a reminder and the S.P. office should ensure that the document called for by the Court is provided in time and a register be maintained in office.

So far as the Officer-in-charge, Parbatta Police Station is concerned, pursuant to the order dated 16.09.2022, Mr. Dharmendra Pal is present in the Court along with his show-cause, the case diary, criminal antecedent report as also the injury report relating to the case.

From the perusal of the said show-cause, it seems that he has merely worked as a Postman inasmuch as according to his show-cause, he intimated the Investigating Officer, Mr. Ashok Mandal to provide the said documents instead of taking the responsibility of sending it to the office



of Superintendent of Police, Khagaria immediately taking into account that it is a court matter. The show-cause filed not only shows his casual approach, the same also shows his unprofessional attitude. It further reinforces the fact that even the Parbatta Police Station does not maintain any register incorporating the receipt of the letter of the S.P. Office and or superior police officers, the compliance date as also the reply sent.

However, in view of the apology rendered by him as also the fact that the office of Superintendent of Police, Khagaria has already sought explanation from him, no further step is required by this Court. He however is cautioned to be careful in future and take the direction of the court and his superior officers seriously.

As the Officer-in-charge, Parbatta Police Station was fully responsible for non-compliance of the order, it is directed that he will not take any conveyance charge for his visit to Patna and back to Khagaria and the same shall be borne from his own pocket.

So far as this case is concerned, the counsel for the petitioner chose not to appear either on 16.09.2022 (Friday) or today, 20.09.2022.



As per the allegation, beside relieving the informant of his gold chain worth Rs.80,000/-. The petitioner has been alleged to have opened fire causing injury to him. As per the injury report that the S.H.O. has now provided, there is a stitch wound on the informant as also cut on the face.

Learned APP submits that from the perusal of the said injury report, it cannot be said that the word grievous has been incorporated therein. So far as the criminal antecedent provided by the S.H.O. is concerned, the same matches with para-3 of the bail application.

Taking into account the aforesaid facts that the petitioner is in custody since 21.03.2022, charge-sheet stands submitted and the injury report shows that the same is not grievous in nature, this Court is inclined to grant him the privilege of bail after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Supplementary Parbatta P.S. Case No.17 of 2021 to the satisfaction of learned A.C.J.M., Khagaria, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

The personal appearance of the Officer-in-charge, Parbatta Police Station is dispensed with.

(Rajiv Roy, J)

Prakash Narayan /-

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