

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2504 of 2017

Arising Out of PS. Case No.-27267 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Sanjay Kumar, Son of Jawahar Lal Chaudhary, resident of Sri Krishna Balaji Enclave, Flat No. 102, Railway Hnder Road, East Lohanipur, P.S.- Kadam Kuan, District- Patna.

... .. Petitioner.

Versus

1. The State Of Bihar, through The Director General Of Police, Bihar, Patna.
2. The Senior Superintendent of Police, Patna, Bihar.
3. The Superintendent of Police, Patna, Bihar.
4. The S.H.O., Agamkuan, Patna.
5. Sudhir Prasad Singh, Son of Late Ram Ashok Singh, resident of Mohalla-I.O.C. Colony, P.S.- Agamkuan, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate.

For the Respondent/s : Ms. Divya Verma, AC to AAG-3.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-09-2022 In this writ application, the petitioner prays for a direction to the respondent authorities (respondent nos.1 to 4) to take appropriate and urgent steps for appearance of respondent no.5 in connection with Complaint Case No.27267/2014 filed for the offences punishable under Sections 420, 379 and 323 of the Indian Penal Code.

It is the grievance of the petitioner that in connection with Complaint Case No. 27267/2014 when respondent no.5 moved this Court in Cr.Misc. No.19366 of 2016 seeking privilege of anticipatory bail, this Court sent the matter to the media-



tion centre vide order dated 10.08.2016. In course of mediation, respondent no.5 agreed to pay the alleged amount to the petitioner in his HDFC bank account with the first installment of Rs.15 lacs before surrender and the rest amount as decided during the compromise. On these terms, he was granted privilege of anticipatory bail and was directed to surrender in the learned court below within a period of four weeks from the date of receipt of the order dated 20.10.2016.

It is further stated that the respondent no.5 failed to pay the said amount within the stipulated period and sought modification of the order dated 20.10.2016 which was allowed by further four weeks vide Annexure-4 to the writ application. Despite this, the petitioner did not pay the amount and has not surrendered in the learned court below.

In the given facts and circumstances of the case, this Court is of the considered opinion that this writ application may be disposed of by giving a direction to the learned court below to examine the grievance of the petitioner and in case it is found that the respondent no.5 has violated the order of this Court and is absconding, appropriate steps shall be taken for his arrest in accordance with law. If the learned court below issues a non-bailable warrant of arrest, the same shall be duly executed by



the concerned police station, failing which the Station House Officer of the said police station shall be liable for dereliction of duty.

Let it be recorded that this Court has passed the above order on the basis of the averments present in the writ application which was filed in the year 2017, therefore, the learned court below shall examine the existing situation and will take necessary steps accordingly.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

