

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53746 of 2022

Arising Out of PS. Case No.-144 Year-2020 Thana- MAINATAND District- West Champaran

Pankaj Choudhary, Son Of Suresh Choudhary R/O Village- Pokharia, P.S.-
Chanpatia, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar, Advocate
		Mr. Shivjee Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 26-07-2023 Heard learned counsel for the petitioner and Mr. Binod Kumar, learned APP for the State.

2. By filing this application, this petitioner has renewed his prayer for regular bail in connection with Mainatand P.S. Case No. 144 of 2020 registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 01.10.2020. He has got five criminal antecedents, however, it is stated that he is on bail in all the cases.

3. Earlier, the prayer for regular bail of the petitioner was rejected vide order dated 18.02.2022 in Cr. Misc. No. 43982 of 2021. This Court observed that let the trial be expedited.

4. Learned counsel for the petitioner submits that till date even the charge has not been framed in this case. Earlier, this Court was informed on 21.06.2023 that the petitioner is not being



produced in the court below as a result whereof the present case against him has remained pending for appearance. This Court called upon the Superintendent of Police, West Champaran to file his affidavit. The affidavit has been filed in which it is admitted that the case was fixed for appearance from 09.03.2022 and thereafter at least on 16 dates, the petitioner was not produced. A plea has been taken in the affidavit that he was not produced because no order has been sent to the Jail Superintendent, Mandal Kara, Bettiah for production of the accused-petitioner for appearance in this case.

5. This matter is required to be inquired into and whether this plea of the Superintendent of Police, West Champaran is acceptable is also required to be looked into. This Court, therefore, directs the learned District Judge, Bettiah to look into the kind of stand taken by the Superintendent of Police, Bettiah and examine whether such pleas are available to him in the nature of the procedures which are adopted for production of the accused.

6. In any view of the matter finding that till date the charge has not been framed because of the failure of the police to produce the accused on the date fixed for appearances and he has already remained in custody for about two years nine months, this Court directs release of the petitioner above named on bail on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, West Champaran in connection with Mainatand P.S. Case No. 144 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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