

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.216 of 2024

Arising out of PS. Case No.-671 Year-2022 Thana- BEUR District- Patna

Thakur Navrang Kumar Singh @ Jacky @ Thakur Navrang Singh Son of
Virendra Prasad Singh Resident of Village-Ward No.-3, Sekhopur, P.S.-
Warisnagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home, Government of Bihar, Patna Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna. Patna.
3. The Inspector General of Prisons and Correctional Services Bihar, Patna. Patna.
4. The Jail Superintendent, Model Jail, Beur, District-Patna. Patna.
5. The Senior Superintendent of Police, Patna. Patna.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 07-02-2024 In the instant petition, petitioner has prayed for the
following relief(s):-

"(i) For issuance of an appropriate writ/order/direction, commanding the Respondents to forthwith release the petitioner from illegal custody as the petitioner has already been granted bail in all cases, he was remanded in and the petitioner has already furnished bail bond to the satisfaction of the concerned Court and



release order has already been sent to the jail.

(ii) For issuance of appropriate order/direction, commanding the Respondents to pay compensation to the petitioner for his illegal detention.

(iii) For grant of such other relief/reliefs for which the petitioner is found entitled, in the facts and circumstances of the case."

2. Respondents were directed to file their counter affidavit on the previous day and counter affidavit has been filed on behalf of the Respondent No. 5.

3. Brief facts of the case are that petitioner is involved in multiple criminal cases and it is narrated by him in Paragraph No. 4 of the petition and it reads as under:-

"(i) Hirapur (Asansol) P.S. Case No. 38 of 2017 under Section 395/397 of the Indian Penal Code and 25/27 of the Arms Act in which petitioner is on bail.

(ii) Complaint Case No. 566(C)/2021 under Sections 406, 420/34 of the Indian Penal Code in which petitioner is on bail.

(iii) Rajiv Nagar P.S. Case No. 18 of 2018 under Section 25(1-A), 25(1-B)a, 26, 35 Arms Act in which the petitioner is on bail.

(iv) Beur P.S. Case No. 671 of



2022 under Sections 341, 323 of the Indian Penal Code in which the petitioner was granted bail in terms of order dated 04.11.2023 passed by the learned Judicial Magistrate 1st Class, Patna."

4. Having regard to the fact that petitioner has been granted bail in the aforementioned cases and he is not warranted to be kept under custody.

5. On the other hand, State-respondent counsel submitted that petitioner is involved in one of the criminal case in the Court of Judicial Magistrate No. II (FAC), Hosur, State of Tamil Nadu.

6. In this regard, warrant was issued on 19.08.2021, however, the same has not been executed even though date and time has been fixed as on 01.09.2021 at 10:30 A.M. No supporting reasons have been assigned on behalf of the respondents as to why warrant dated 19.08.2021 has not been executed even to this day. After filing of the present petition, respondents are taking the steps to execute the warrant dated 19.08.2021 of the Judicial Magistrate No. II (FAC), Hosur, Tamil Nadu Annexure-A (R/5). Further, we have noticed that at no point of time the petitioner was under custody in the light of Annexure-A (R/5) dated 19.08.2021, therefore, respondents are keeping the petitioner under custody in the absence of any



supporting materials. The respondents have not given any explanation as to why the warrant dated 19.08.2021 has not been executed till date. There are lapses on their part in not co-operating with the counter part state judiciary.

7. Therefore, Respondent No. 5 - Senior Superintendent of Police, Patna is hereby directed to release the petitioner at the earliest not later than tomorrow.

8. The petitioner shall co-operate in the case of warrant dated 19.08.2021 of the Judicial Magistrate No. II (FAC), Hosur, Tamil Nadu. The present order shall be communicated to the office of the Judicial Magistrate No. II (FAC), Hosur, Tamil Nadu by the 5th Respondent.

9. Accordingly, the present petition stands allowed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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