

Court of Addl. District & Sessions Judge - XIV, Begusarai
S. T No.- 287/2020

03.03.2021

Accused Rajeev Ranjan @ Ajay Kumar, Pritam Kumar, Rishikesh Kumar, Rahul Kumar, Arun Kumar Singh, Subhash Singh, Babu Saheb @ Ramanuj Singh, Vijay Singh, Abhinav Kumar @ Moni and Pranav Kumar @ Toni appeared physically in this court.

A petition has been filed on behalf of accused namely Ajay Singh @ Rajeev Ranjan Singh and Pritam Kumar to allow the petitioner to remain on previous bail. Heard both the parties. Prayer is accepted.

A petition has been filed on behalf of informant with respect to fact that accused Ashok Singh is not complying the order of Honourable Patna High Court hence his bail bond should be cancelled. Heard both the parties. Perused the filed order dated 21.02.2019 of Honourable Patna High Court passed in Cri. Misc. no. 10435 of 2019 through which accused petitioners namely Ashok Singh, Pramod Singh and Gauri Shankar Singh were granted bail on one of the conditions that petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons their bail bond shall be liable to be cancelled by the court concerned. As in this case charge has not been framed and the condition imposed is for the trial and not before that. So, prayer of informant for cancelling the bail bond of accused Ashok Singh is hereby rejected.

A petition has been filed on behalf of petitioner namely Ashok Singh stating therein that petitioner is an accused in connection with Town P.S case no. 613/2017 and his case was pending in the court of Shri D.K.Pandey ACJM-III, Begusarai. It has further been submitted that petitioner was not an accused in Neemachandpur P.S case no. 613/17. But the case of the petitioner as well as the petitioner was committed for Neemachandpura

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P.S case no. 613/17. As the petitioner is an accused and was accused in connection with Town P.S case no. 613/17. So, this case should be committed properly. It has further been submitted that the below court has wrongly and illegally committed the case to the court of sessions which requires fresh commitment of the case to the court of sessions. Lastly prayer is made for fresh commitment.

Heard both the parties. On the perusal of case record it transpires that O/C was directed to send letter to the concerned court for sending copy of police paper for rest accused persons vide order dated 14.02.2020. But that order was not complied by the office clerk. Rather copies of police paper were attached with this case record on 05.10.2020 just prior to commitment. Vide order dated 19.10.2020 this case has been committed to the court of Sessions during Corona Pandemic. In aforesaid order it has been admitted that due to Corona Pandemic proceeding of the court badly hampered. So, due to Corona Pandemic provision u/s 207 of Cr.P.C was not complied properly by giving police paper to each accused.

Hence in my considered opinion the case was not committed properly hence this case record is remanded back to learned Lower Court for compliance of Section 207 Cr.P.C. Accused persons who had not received the police paper will appear physically in the court and will receive the police paper on next date or their learned counsels will receive police paper on behalf of accused persons. If accused persons do not co-operate with the court in receiving the police paper then learned Lower Court can take further step in accordance with law.

So, learned Lower Court is directed to comply the provision u/s 207 Cr.P.C and thereafter pass a fresh commitment order and send the record to this court.

(Dictated & corrected)

Sd/-

Addl. District & Sessions Judge- XIV

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