
(1996) 02 PAT CK 0039

In the Patna High Court

Case No : Cr.W.J.C. No's. 23, 24, 25 and 26 of 1996 (R)

Tainwala Engineering and Foundary Works Nand Kishore
Tainwala

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 06-02-1996

Acts Referred:

Citation : (1996) 2 PLJR 672

Hon'ble Judges : B.N. Agrawal, J;A.N. Trivedi, J

Bench : Division Bench

Judgement

1. Heard the parties.
2. Learned Counsel for the Petitioners is permitted to delete the name of Shri Sheo Murat Ram, Presiding Officer, Special Court, Economic Offences, Ranchi, Respondent No. 2 from this writ application.
3. Learned Counsel for the Petitioners is permitted to implead Superintendent, Central Jail, Ranchi as Respondent No. 3 in this writ application.
4. A supplementary affidavit has been filed on behalf of the Petitioners in which prayer has been made for permitting the Petitioners to withdraw the statements made in paragraphs 2A, 3, 4, 5, 6, 7, 13 and 18 in this writ applications which have also been placed today for admission bearing Nos. 24, 25 and 26 of 1996 (R).
5. These applications are being disposed of by common order as the same question is involved in all these writ applications.
6. These four writ applications have been filed for quashing the order dated 2.2.1996 passed by the learned Special Judge. Economic Offences, Ranchi in four different cases namely Complaint Case Nos. 16, 17, 18 and 19 of 1992 whereby he has refused to accept the bail bonds furnished by Petitioner No. 2 as the amount of fine has not been deposited.

7. Petitioner No. 2 along with Ors. were convicted by the trial Court and sentenced to undergo rigorous imprisonment for three years and to pay fine. Against the convictions and sentence the Petitioners preferred four different appeals which have been duly admitted by the learned Judicial Commissioner, Ranchi and Petitioner No. 2 has been directed to be released on bail on furnishing bail bond to the satisfaction of the learned Special Judge, Economic Offences, Ranchi. So far stay of realisation of fine is concerned, the said prayer was rejected. Therefore Petitioner No. 2 furnished bail bonds in all the aforesaid four cases but the prayer for release has been rejected by the learned Special Judge on the ground the he did not deposit the amount of fine.

8. We really fail to understand how a Court of law can refuse to accept the bail bonds furnished by an accused if the same is in order and release him on bail because he did not deposit the fine. The ground taken in the impugned order is quite unknown to law. When bail is granted, bail bonds are furnished and the same are in order, the Court of law has no other option but to issue release order in favour of the accused. So far realisation of fine is concerned, separate procedure is there and action can be taken thereunder against the accused.

9. The learned Special Judge has nowhere stated that the bail bonds furnished by Petitioner No. 2 were not in order. We are, therefore, of the view that Petitioner No. 2 has been unnecessarily detained in prison for no fault of his. Ordinarily we would have directed the learned Special Judge, Economic Offences, Ranchi to issue release order and send the same to the jail authorities but in view of the aforesaid facts, we direct the Superintendent, Central Jail, Respondent No. 3, to release the Petitioner No. 2 forthwith in connection with aforesaid four cases (Complaint Case Nos. 16, 17, 18 and 19 of 1992) if he is not required in connection with any other case.

10. Let the release order in relation to Petitioner No. 2 be sent to the Superintendent, Central Jail, Ranchi, Respondent No. 3, in course of the day through special messenger at the cost of the Petitioners.

11. Learned Counsel for the Petitioners wanted to impugn in these writ applications the legality of the order passed by the learned sessions Judge refusing to stay realisation of fine. We do not propose to consider the correctness of the said order. We, however, may observe that it will be open to the Petitioners to challenge that portion of the order by filing appropriate application. These applications are thus disposed of.

12. Joint Registrar is directed to call for the records of this case and its analogous cases from the Court concerned and put up the matter under the heading for orders before us on 9.2.1996.