

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6904 of 2015

Arising Out of PS.Case No. -3 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Rambaboo Prasad Kushwaha, Son of Sheo Badan Prasad Kushwaha,
Resident of Village - Bhawanipur, P.S. - Sangrampur, District - East
Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 18-03-2015 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner has filed this application for grant of
anticipatory bail in Trial No.7687/2014 arising out of Complaint Case
No. 03/12 for the offence punishable under Section 406 of the Indian
Penal Code and Section 138 of Negotiable Instruments Act.

It is submitted that earlier the petitioner had moved this
Court vide Cr. Misc. No.50194 of 2014 which was disposed of vide
order dated 15.12.2014 (Annexure-1 of this application) and in
pursuance of that order, the petitioner had moved the court of Sri
Praveen Kumar Singh, Judicial Magistrate-1st Class, Motihari, East
Champaran, but he has not passed any order and he advised to
withdraw the petition filed by the petitioner which is Annexure-3 to this

application.

It appears from the Annexure-3 that although the copy of the petition has been received by the other side, but it does not appear that it has been filed before the learned Magistrate.

Considering the facts and circumstances of the case, I do not find any ground to reconsider the matter. However, the petitioner is still at liberty to move the authority concerned in pursuance of the judgment of Hon’ble Supreme Court in the case of *Arnesh Kumar vs. State of Bihar & Anr.*, reported in *2014(3) PLJR 314 (SC)*.

This petition stands disposed of.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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