

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20523 of 2015

Arising Out of PS.Case No. -89 Year- 2012 Thana -BUXAR INDUSTRIAL District- BUXAR

Ravi Rai @ Ravi Shankar Rai Son of Paras Nath Rai, resident of Mohalla-Central Jail Road, Sumeshwar Sthan Buxar, P.S.- Buxar (Town), District-Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Md. Aatur Rahman (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Buxar (I) P.S.Case No. 89/2012 instituted under Sections 406, 409, 420, 34 of the Indian Penal Code and late on Sections 3/7 E.C.Act and 467,468,471,199 and 200 of the Indian Penal Code were also added, pending in the Court of learned C.J.M., Buxar.

A supplementary affidavit has been filed on behalf of the petitioner. The same be kept on the record.

From perusal of the impugned order dated 31.03.2015 it is evident that there was no material against the petitioner in the present case. The learned Sessions Judge had examined the case diary also and came to the finding that since there is no material in the case diary and as the petitioner was not named in the FIR he did not have any apprehension of arrest and hence anticipatory

bail application of the petitioner was not maintainable.

Counsel for the petitioner has drawn the attention of the Court to Annexure 4 to the supplementary affidavit, which clearly shows that after the impugned order being passed, the Investigating Officer on 21.04.2015 filed a petition before the court below whereby he sought for requisition to be issued against the petitioner.

Considering Annexure 4 by which the petitioner has been made accused in the present case, now the petitioner has apprehension of arrest. The aforesaid fact is admitted on behalf of the counsel for the Economic Offence, Unit of State of Bihar.

Considering the aforesaid fact that now the petitioner has apprehension of arrest, the petitioner is directed to move before the learned Sessions Court bringing to its notice Annexure 4 by which he has been made accused in the present case. The learned Sessions Court, after considering Annexure 4, shall pass necessary orders as early as possible so that the petitioner may not be put to suffer and unnecessary harassment.

With the aforesaid observation and direction, this application stands disposed of.

(Sudhir Singh, J)

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