

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8765 of 2015

Arising Out of PS.Case No. -57 Year- 2009 Thana -DIGHWARA District- SARAN

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SANTOSH TURHA SON OF LATE AMBIKA SAH, RESIDENT OF
VILLAGE- HEMANTPUR, P.S. DIGHWARA, DISTT- SARAN.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 01-05-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Informant Sudama Rai along with Vidya Rai, employee of a petrol pump proceeded towards bank to deposit the sale proceed unfortunately, became prey at the hands of criminals who giving repeated *Chura* blow succeeded in decamping with the sale proceed. The Aforesaid Vidya Rai during course of treatment died.

Contention on behalf of the petitioner is that his name transpired during course of inculpatory extra judicial confessional statement of Chhathu. It has also been submitted that Investigating Officer, without conducting T.I. Parade submitted charge sheet against the accused at an earlier occasion and that happens to be reason behind that Chhathu had already been granted bail vide B.P. No.587 of 2011 (Annexure-3). It has also been submitted that other co-accused Rishikesh Kumar Singh has already been granted bail vide Cr.

Misc. No.37273 of 2009 as well as Nagendra Rai vide Cr. Misc. No.20802 of 2010. As such petitioner is entitled for anticipatory bail.

The learned Additional Public Prosecutor opposed the prayer.

All the accused who have been granted bail were under custody and on that very count, there was an opportunity before the prosecution to put them on T.I. Parade. Having failed to as well as the detention on that very score cannot be permitted, has rightly been acknowledged and were bailed out. So far petitioner is concerned, his presence is still to be procured and on account thereof, I do not see it a fit case for grant of anticipatory bail. Accordingly, prayer for anticipatory bail is rejected.

Petitioner is directed to surrender before the learned lower court with a prayer for bail which the learned lower court will consider after giving opportunity to the prosecution to conduct T.I. Parade and in case so failed, will consider the plea of the petitioner in accordance with law because of the fact that on the score of T.I. Parade no detention could be allowed.

(Aditya Kumar Trivedi, J.)

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