

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29384 of 2015

Arising Out of PS.Case No. -261 Year- 2012 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Lav Pandey @ Lav Kumar Pandey S/o Late Damodar Pandey Resident of
Village and Police Station Bakhtiyarpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. A.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 30-07-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Rahui P.S. Case No. 261 of 2012 registered for the offences
punishable under Section 302/34 of the Indian Penal Code.

Petitioner is named in the first information report
with accusation that he along with two others caught hold the
deceased at the time of alleged occurrence. Admittedly, after
investigation, police submitted final form showing the accusation
untrue in respect of the petitioner whereas other accused were
charge sheeted and they were put on trial. Subsequently, the other
accused were convicted. The court below having differed with the

findings of the police took cognizance against the petitioner also which was challenged by the petitioner before this Court in Cr. Misc. No. 15619 of 2014 but this court disposed of the aforesaid criminal miscellaneous case holding that there was no infirmity in the impugned order but this Court granted liberty to petitioner to raise his points at the time of framing of the charge.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in my view, it is not a fit case for grant of anticipatory bail and accordingly, the prayer for anticipatory bail of the petitioner in connection with Rahui P.S. Case No. 261 of 2012 pending in the court of Chief Judicial Magistrate, Nalanda at Biharsharif stands rejected.

However, if petitioner surrenders before the court below within four weeks from today and seeks regular bail, the competent court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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