

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30991 of 2015

Arising Out of PS.Case No. -236 Year- 2014 Thana -BIHPUR District- BHAGALPUR

1. Om Nand Kumar Son of Late Sadanand Singh Resident of village -
Dinachakla, Police Station - Pasraha, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Sharda Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Accusation is of taking Rs. 1,00,000/- from the informant for installing mobile tower, but neither the mobile tower was installed nor money was returned to the informant. Petitioner is enjoying police bail.

Considering the above fact, the present application for anticipatory bail is not maintainable.

Let the learned court below consider the prayer for regular bail of the petitioner in view of the ratio laid down in the case of Mahendra Prasad Singh Vrs. The State Of Bihar reported in 2004 (3) 491 P.L.J.R.

It is made clear that in such circumstances when the accused is on police bail, the regular bail can only be denied in case of misuse of privilege of bail.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--