

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41646 of 2015

Arising Out of PS.Case No. -12 Year- 2011 Thana -HASANPUR District- SAMASTIPUR

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Mukesh Kumar Singh @ Kanhaiya Singh, son of Late Janardan Prasad Singh, resident of Village- Deodha, P.S.- Hasanpur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Awdhesh Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-09-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner wants to renew his prayer for pre-arrest bail which was earlier rejected vide order dated 15.01.2015 passed in Cr. Misc. No. 29348 of 2014 on the ground that against the petitioner no direct or indirect evidence has come during investigation and the witnesses of the case, namely, Upendra Sahni, Bhola Paswan, Dinesh Sharma and Poshan Sahni have filed petitions supported with affidavit in the court below and from perusal of the same it will appear that virtually there is no evidence against the petitioner and on that ground prayer was renewed before the learned Sessions Judge but the prayer was rejected by order dated 27.06.2015.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner is named in the F.I.R and the Supervising authority has directed to file charge-sheet. The petitions filed by the witnesses supported with affidavit are nothing but an attempt to tamper with the prosecution evidence.

In the facts and circumstances stated above, finding no good ground for reconsideration of prayer for pre-arrest bail of the petitioner, again prayer for pre-arrest bail of the petitioner stands rejected in connection with Hasanpur P.S. Case No. 12 of 2011 pending in the court of A.C.J.M. Rosera, Samastipur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on the same day on its own merits without being prejudiced by the order of this Court.

Abhay/-

(Jitendra Mohan Sharma, J)

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