

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50083 of 2014

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Md. Asgar Ali @ Asgar Ali S/o Late Moinuddin, Resident of Village +
P.S.-Dulhin Bazar, District-Patna, earlier posted as Block Development
Officer, Raghunathpur, Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 29-01-2015 This application has been filed for modification of the

order dated 26.9.2014 passed in Cr. Misc. No.26652 of 2014 by

which the petition for anticipatory bail was disposed of with

liberty to the petitioner to move before the learned Chief Judicial

Magistrate, Siwan in Raghunathpur P. S. Case No. 222 of 2013

who will pass order in view of the direction given by Hon'ble

Supreme Court in the case of Arnesh Kumar vs. State of Bihar &

Anr., reported in 2014(3) PLJR 314 (SC).

Heard learned counsel for the petitioner and the State.

It is submitted that due to lack of instruction it was not

mentioned in the aforesaid application that the petitioner was

granted bail by police on 14.2.2014. Since the petitioner was

enjoying the privilege of bail granted by the police, he should not

have moved for anticipatory bail.

It appears from the record of Cr. Misc. No. 26652 of 2014 that the petitioner apprehended arrest in Raghunathpur P. S. Case No. 222 of 2013 for the offence punishable under Sections 420, 406 and 120 B of the Indian Penal Code. It has not been mentioned in that petition that the petitioner was availing the privilege of bail granted by the police, as such, it appears that an incorrect statement was made in Cr. Misc. No. 26652 of 2014.

Since the petitioner was on police bail, he should not have filed the petition for anticipatory bail.

Considering the facts and circumstances, it appears that since a wrong statement has been made in Cr. Misc. No. 26652 of 2014, as such the order dated 26.9.2014 is recalled subject to payment of a cost of Rs.1000/- to be deposited by the petitioner in the Patna High Court Legal Services Committee and file a receipt thereof within two weeks.

In view of above direction, this petition stands disposed of.

(Amaresh Kumar Lal, J)

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