

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45890 of 2014

Arising Out of PS.Case No. -36 Year- 2011 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Upendra Baitha Son of Vishwanath Baitha resident of Village -
Tarulawa, Police Station - Choutarawa, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Sanjay Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-04-2015 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with
Choutarawa P.S. Case No. 36 of 2011 for the offences
punishable under Sections 354, 452, 376/511 of Indian Penal
Code.

Learned counsel for the petitioner submits that initially the
F.I.R. was instituted under Section 354 of the Indian Penal Code
which is a bailable offence. He submits that it is subsequently that
the Magistrate has upon perusal of the materials on record taken
cognizance of the offences punishable under Sections 452,
376/511 of the Indian Penal Code.

Having heard learned counsel for parties and in view of the
law laid down by this Court in the judgment reported in **2004(3)**

PLJR 491(Mahendra Prasad Singh Vs. The State of Bihar)

and the judgment reported in **2010(1) PLJR 200 (Rayees Vs. State of Bihar)**, in the opinion of this Court, the appropriate remedy for the petitioner would be to pray for regular bail before the Court below itself and which has to be considered and disposed of in the light of the law laid down in the judgments referred to above.

With the observations aforementioned, this application stands disposed of.

(Jyoti Saran, J)

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