

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19520 of 2015

Arising Out of PS.Case No. -92 Year- 2013 Thana -KAMTAUL District- DARBHANGA

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1. Mukesh Pratihast S/o Shyam Sunder Pratihast Resident of Village-
Pihwara,P.S. Saharghat, District- Madhubani Presently residing at Flat No.
284 Sector 13, Pocket- A, Dwaraka, New Delhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshman Lal Pandey

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Kamtaul P.S.Case No. 92/2013 registered under Sections 341, 324, 307, 354/34 of the Indian Penal Code and Section 3 / 4 of SC/ST Act, pending in the Court of Shri U.K.Pandey, Judicial Magistrate, 1st Class,Darbhanga.

Vide Anenxure-1, anticipatory bail of the petitioner was rejected by order dated 09.10.2014 in Cr. Misc. No. 21049 of 2014. The present anticipatory bail application has been filed after almost completion of one year, bringing of record that in course of investigation the police has found no offence under Section 307 IPC and the charge-sheet has been submitted in the

present case. It is further submitted that the charge-sheet was filed in the present case prior to the order being passed on 09.10.2014.

I do not find it a fit ground for interfering with the order dated 09.10.2014 passed in Cr. Misc. No. 21049 of 2014 for the reason that the charge-sheet was already there on the record prior to rejection of the bail application of the petitioner. The bail application is rejected.

Any how, if the petitioner surrenders in the court below within a period of eight weeks from today and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order of rejection taking into account that the case has been found to be false under Section 307 IPC.

(Sudhir Singh, J)

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