

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5280 of 2015

Arising Out of PS.Case No. -83 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

Mahendra Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. Sanjay Kumar (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 24-04-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Admittedly, petitioner is not named in the F.I.R.
However, his name cropped up on account of detection of owner
of SIM No.9546241195. On account of absence of petitioner, the
I.O. had prayed before the learned lower Court for issuance of
processes in terms of Section 82 Cr.P.C. on 11.06.2013 where it
remained pending on one pretext or other and then, as is evident
from Para-198 dated 02.06.2014, same was issued. As per
direction by the Hon'ble Apex Court reported in 2014 (2) SCC
171, whereunder issuance of processes under Section 82 Cr.P.C.
blurred the prospect of maintainability of anticipatory bail petition,
instant petition became non-maintainable and is accordingly,
dismissed.

However, the learned lower Court while considering the prayer for bail of the petitioner will take notice thereof, as well as the subsequent development whereunder F.I.R. named accused has already been granted bail.

(Aditya Kumar Trivedi, J)

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