

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9038 of 2015

Arising Out of PS.Case No. -29 Year- 1998 Thana -MANJHI District- SARAN

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1. Sudarshan Singh Son of Late Shankar Singh resident of village -
Bhajauna, P.S. Manjhi, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-03-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Manjhi P.S. case No. 29 of 1998 registered under Sections-
498A, 494, 506/34 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

Manjhi P.S. case No. 29 of 1998 was registered under
Section-406 of the Indian Penal Code and Section-3/4 of Dowry
Prohibition Act on 16-03-1998 and it appears that the petitioner
approached the courts, including this court for grant of
anticipatory bail but his prayer for anticipatory bail was dismissed
by this court on 15-12-1998. However, in the meantime, after due
investigation police submitted final form sometime in the year,
2000 but cognizance of the offence was taken by concerned court

on 24-09-2004 differing with the findings of the police.

The contention on behalf of the petitioner is that after taking cognizance neither any summons nor any process was ever served upon the petitioner and when he came to know about taking of cognizance, he immediately approached the court for grant of anticipatory bail.

Regard being had to the above-said facts and circumstances as well as submission of the parties; I am not inclined to grant privilege of anticipatory bail to the petitioner and accordingly, prayer for anticipatory bail of the petitioner in connection with above-said Manjhi P.S. Case No. 29 of 1998 stands rejected.

However, if, the petitioner surrenders in the court below within six weeks from today and seeks regular bail, the concerned court shall consider the regular bail application of the petitioner on its own merit, particularly, taking note of this fact as to whether after taking cognizance, any summons or process was ever served upon the petitioner or not.

(Hemant Kumar Srivastava, J)

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