

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10231 of 2015

Arising Out of P.S.Case No. -64 Year- 2013 Thana -MAHILA P.S. District- PURNIA

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Abdul Mannan son of Norruddin, R/o Village- Kothi Tola Begumpur,
P.S.- Jalalgarh, District- Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 18-03-2015

Heard the parties.

This application has been filed for grant of anticipatory bail to the petitioner in Mahila P.S. Case no. 64 of 2013 for the offence punishable under Sections 307, 498-A and 323 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

It is submitted that earlier the petitioner had moved this Court for grant of anticipatory bail vide Cr. Misc. no. 27276 of 2014 which was rejected vide order dated 8.7.2014 (Annexure-1). It is further submitted that due to ill-information it could not be pointed out that during investigation the petitioner was on bond under Section 41 (1) Cr. P.C. and after investigation chargesheet has been submitted for the offence punishable under Sections 323 and 498-A/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act and cognizance has also been taken under these sections by the learned Chief Judicial Magistrate, Purnea, vide order dated 9.4.2014. It is also submitted that due to ill-information it could not be pointed out that in view of the decision rendered in the case of Mahendra Prasad Singh v. State of Bihar reported in 2004 (3) PLJR 491, the anticipatory bail was

not maintainable.

In view of the aforesaid decision, the petitioner is at liberty to file an application before the learned Magistrate, who will consider the matter in the light of the aforesaid judgment in the case of Mahendra Prasad Singh (supra).

This application stands disposed of with the aforesaid observation.

(Amaresh Kumar Lal, J)

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