

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30895 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -KHAGAUL District- PATNA

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1. Suraj Kumar Son of Shankar Sah resident of Sadipur Tilak Maidan
Munger, P.S.- Kotwali, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Kumar Virendra Narayan (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 27-01-2015 Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest for the offence punishable under sections 419, 420, 34 of the I.P.C.

In the examination of physical ability test for the post of R.P.F. Police in place of petitioner one Mauli Kumar was appearing.

Submission is of false implication due to local politics and at the instance of apprehended person. Petitioner was not apprehended at the place of occurrence nor was he found fleeing away. The statement of Mauli Kumar made before police has got no evidenciary value. The petitioner has not instructed the said Mauli Kumar to appear in his place. During investigation no

cogent or illegal material has come and as such the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes.

Considering that the petitioner was beneficiary and as such the statement of Mauli Kumar cannot be ignored and accordingly this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly the same is hereby dismissed in connection with Khagaul P.S. Case No. 36 of 2014 pending in the Court of S.D.J.M. Danapur, District- Patna.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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