

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42374 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -AMARPUR District- BANKA

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1. Banti Singh son of Dharmendra Singh, Resident of village- Majhgain,
P.S.- Amarpur, Dist- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 03-12-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 302/34 of the Indian Penal Code.

Mr. Alok Kumar Choudhary, the learned counsel for
the petitioner, submits that for the same occurrence, on the basis of
fard bayan of Gurdas Singh, who claims himself to be eye witness
of the occurrence, Amarpur P.S. case No. 215 of 2015 was
registered and the petitioner is named in that FIR. The present FIR
is lodged by Sri Suman Kumar Singh, brother of deceased,
Kailash Singh. It is submitted that in Amarpur P.S. case No. 215
of 2015 prayer of petitioner for anticipatory bail has already been
rejected with a direction to surrender and pray for regular bail.

The learned counsel for the petitioner submits that

the present FIR should have been merged with first FIR being Amarpur P.S. case No. 215 of 2015 in view of provision under section 154 of the Cr. P.C.

Of course, the anticipatory bail petition has already been rejected in the earlier case lodged with regard to the same occurrence and the informant of present case is a witness to the first FIR, two FIR should not have been lodged. The proper course is to file a petition for amalgamation of present FIR, i.e., Amarpur P.S. case No. 216 of 2015 with Amarpur P.S. case No. 215 of 2015 in which the prayer for anticipatory bail has already been rejected.

The petitioner may file a petition for amalgamation of the present FIR, i.e., Amarpur P.S. case No. 216 of 2015 with Amarpur P.S. case No. 215 of 2015.

With this observation, the present anticipatory bail petition is disposed of.

(Prabhat Kumar Jha, J)

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