

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6544 of 2016

Arising Out of PS.Case No. -390 Year- 2014 Thana -DUMRA District- SITAMARHI

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Anjani Kumar Son of Bishwanath Singh, Resident of Village - Bhalua, P.S.
- Dumra, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. N. N. Tiwari (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 302/34 of the Indian Penal Code.

Earlier anticipatory bail application Cr. Misc. no. 26209 of 2015 was withdrawn by the petitioner on the ground that police has submitted the final form. On the said submission the application was dismissed as withdrawn. This is the second application for anticipatory bail made on behalf of the petitioner stating that the court had taken cognizance after differing from the police report submitted where the case was found to be false against the petitioner.

It has been submitted on behalf of the State and the informant that though the police has submitted the final form against the petitioner but the court below had differed from the said police report and taken cognizance in the case. Further, the earlier anticipatory bail application had been withdrawn at the instance of the petitioner. Hence, the present application may not be entertained by the court.

Since the earlier application was dismissed as withdrawn at the instance of the counsel for the petitioner, I am not inclined to pass any order in respect to the present application, same is rejected.

Any how, if the petitioner surrenders in the court below, i.e., Chief Judicial Magistrate, Sitamarhi, in connection with Dumra P.S. Case no. 390 of 2014 within a period of six weeks from today and pray for regular bail, same shall be considered and disposed of on its own merit and also taking into account that the final form has already been submitted by the investigating officer in the present case without being prejudiced by this order.

(Sudhir Singh, J)

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