

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32281 of 2016

Arising Out of PS.Case No. -50 Year- 2014 Thana -KAUAKOL District- NAWADA

=====

Bal Krishna Mohan, Son of Ram Vinay Prasad, Resident of Village Pawai,
P.S.- Deep Nagar, District- Nalanda at present residing at Village-
Gonawan, P.S.- Nawadih, District- Nawada. Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Sri Asharaf Ansari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 29-08-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Rupau Kowakol P.S. Case No.50 of 2014, disclosing offences under Sections 467, 468, 420, 409, 504 and 120B of the Indian Penal Code.

The petitioner seeks privilege of grant of anticipatory bail since he apprehends his arrest in a case registered for the offences punishable under Sections 467, 468, 420, 409, 504 and 120B read with Section 34 of the Indian Penal Code.

In support of plea of grant of anticipatory bail, the petitioner has brought on record by way of Annexure-3, supervision report of the Sub Divisional Police Officer, Pakribarawan, dated 09.12.2015. In the said supervision report, the Sub Divisional Police Officer, Pakribarawan has recorded that there is inadequacy of evidence in support of the prosecution.

Under the scheme of the Code of Criminal Procedure, 1973, investigation by the Police is a confidential process. The supervision report of the Sub Divisional Police Officer, Pakribarawan is essentially a part of investigation. The very fact that the petitioner has brought on record, a copy of the supervision report itself establishes that he has obtained the said report stealthily as there is no provision under the Code of Criminal Procedure, which entitles him to legally obtain a copy of the supervision report.

I am of the considered view that grant of anticipatory bail in exercise of power under Section 438(2) of the Code of Criminal Procedure is discretionary in nature and the Court should refuse to exercise discretion, in case, conduct of the person seeking anticipatory bail, is such, as to suggest that he is interfering with the course of investigation, as in the present case, where the petitioner has illegally obtained a copy of the supervision report.

Considering the conduct of the petitioner, I am not inclined to grant him privilege of anticipatory bail.

Accordingly, the prayer for anticipatory bail is, hereby, rejected.

(Chakradhari Sharan Singh, J)

Vats/-

U		T	
---	--	---	--