

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47890 of 2016

Arising Out of PS.Case No. -148 Year- 2015 Thana -BASOPATTI District- MADHUBANI

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Manoj Kumar Yadav, Son of Kishori Yadav, Resident of Village-
Manmohan , P.S. Basopatti, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Smt. Pushpa Sinha
For the Informant : Mr. Rohit Kumar
Mr. J.K. Bharti

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 08-12-2016 Heard both sides.

The petitioner prays for grant of anticipatory bail in
Basopatti P.S. Case No. 148 of 2015 registered under Sections
379, 504 and other allied Sections of the India Penal Code.

It is stated that during the investigation, the petitioner
was given the privilege of police bail under Section 41(1) of the
Code of Criminal Procedure. Referring to the above, learned
Sessions Judge has declined to grant the privilege of anticipatory
bail as the petitioner had no reasonable apprehension.

The counsel for the petitioner states that this Court has
recently held that even in such case, the application would be
maintainable. Reliance in this regard has been placed in the case



of *Gauri Shankar Roy Vs. State of Bihar, reported in 2015 (3) P.L.J.R. 618.*

In view of the observations made therein, the petitioner should surrender and pray for regular bail, whereafter the court below will consider the fact that the petitioner had been granted the privilege of police bail and has not misused the same and pass appropriate order.

The anticipatory bail application is disposed of.

(Kishore Kumar Mandal, J)

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