

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33762 of 2014

Arising Out of PS.Case No. -10 Year- 2012 Thana -PHULWARI District- PATNA

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1. Bishwaranjan Kumar @ Pappu Son of Sheopujan Prasad a resident of Mohalla - Dahiawan Tola, P.S. - Chapra Town, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Rakesh Ranjan son of Shiv Narayan Bhagat, resident of Purnendu Nagar, Phulwari Sharif, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Informant : Mr. Vinay Ranjan

For the State : Ms. Gulnar Begum (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

8 20-12-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered on the basis of a Complaint Case bearing Complaint Case No. 2205(C) of 2007, for the offences punishable under Sections 406/420/467/468/471 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier a First Information Report dated 01.10.2007 was registered bearing Chapra (Town) P.S. Case No. 246 of 2007 and in connection with the same, the petitioner was taken into custody, but, subsequently, he was released on bail and the vehicle was also released in his favour. Learned counsel further submits that for the same vehicle, subsequently, a case has been registered by the opposite party



No. 2 for the same offence.

Learned counsel appearing on behalf of the opposite party No. 2, however, submits that the case with regard to which the petitioner is apprehending his arrest was filed prior to the earlier case in which the petitioner has taken regular bail. In the said case which is at hand, originally, a complaint case dated 01.08.2007 was filed, but was registered under Section 156(3) on 04.01.2012. It appears that enquiries were conducted in connection with present case and in this case, it has come on record that the registration number offered for the Bolero vehicle was, in fact, the registration number of a scooter and not that of a Bolero Vehicle. He further submits that the petitioner is having criminal antecedent of similar nature and, therefore, the case is not as easy as has been made out by the present petitioner. He further submits that in view of the conduct of the petitioner and his history, particularly, with regard to the offence of similar nature, the petitioner is not entitled to the privilege of anticipatory bail.

Considering the entire facts and circumstances and in view of the clear finding that the vehicle in question is, in fact, a registration of a vehicle with regard to a scooter, I am not inclined to grant anticipatory bail to this petitioner. It is accordingly rejected.



If, however, the petitioner surrenders in the Court below,
the case will be considered on its own merits and in view of the
materials which have surfaced in connection with the present case.

(Anjana Mishra, J)

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