

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15927 of 2016

Arising Out of PS.Case No. -1126 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Saurabh Kumar Mishra @ Golu Suter @ Golu Mishra, son of Uma Shankar Mishra, resident of village- Dighi Kala West, P.O. Industrial Area, Hajipur, P.S.- Sadar Hajipur, District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 15-07-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Hajipur Nagar P.S. Case No. 1126 of 2014, disclosing offence under Sections 395 and 412 of the Indian Penal Code.

The petitioner is not named in the First Information Report. It appears that in course of investigation, on the basis of statement of one Shiv Shankar Kumar, name of the petitioner has surfaced.

Learned counsel for the petitioner has submitted that said Shiv Shankar Kumar is also a hearsay witness and he has made the statement on the basis of information which is said to

have been made by Vishal Kumar. He has also submitted that said Vishal Kumar has not been examined by the Police.

However, considering the serious nature of the offence, I do not find it to be a fit case for grant of anticipatory bail since the petitioner's custodial interrogation by the Police may be needed.

Learned counsel for the petitioner has submitted that several other accused persons against whom, there is specific allegation, have been granted regular bail. The said aspect can be considered by the Court at the time of considering petitioner's application regular bail after he surrenders before the court below.

Accordingly, this application for anticipatory bail is, hereby, rejected.

The petitioner is directed to surrender before the court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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