

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24965 of 2016

Arising Out of Complaint Case No. - 173 Year - 2014 Thana - Patna Complaint
Case District - Patna

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1. Shyam Kishore Sharma, S/o Triveni Sharma, resident of
Village/Mohalla - A.G. Colony, House No. - A-385, Police
Station - Shastri Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Kaushal Kishore Singh, Son of Ramanuj Singh,
resident of Mohalla - Mauar Lane, Police Station-
Sultanganj, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the State : Mr. Gopesh Kumar (APP)

For the Complainant : Mr. Raj Krishna Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 22-06-2016 Heard the parties.

The petitioner had earlier approached this
Court, seeking anticipatory bail, which was disposed of by
an order, dated 01.04.2016, passed in Cr. Misc. No.7699
of 2016, with an observation that if the petitioner
appeared before the learned court below within four weeks

and seeks regular bail, his application shall be decided on the same date, in terms of this Court's decision, in case of ***Salim Ansari @ Salim Ansari & Ors. Vs. The State of Bihar & Anr.***, reported in **2015 (3) BBCJV-53**.

The petitioner has again filed the present application, in connection with Complaint Case No.173 of 2014, seeking anticipatory bail. It has been stated in paragraph 16 of the application that the petitioner had filed a surrender-cum-bail application before the learned court below on 27.04.2016, a copy of which was duly received by the Counsel for the complainant in the lower court. It has been stated in the application that learned court below did not duly consider this Court's decision, in case of ***Salim Ansari @ Salim Ansari*** (supra).

The statement made in paragraph 16 of the application, *prima facie*, appears to be false inasmuch as neither any order passed by the learned court below has been annexed nor there is any explanation as to how he could allowed the petitioner withdraw the application, without any order passed by the learned court below, after its filing.

The application for anticipatory bail is apparently misconceived. Unfortunately, learned counsel for the petitioner is not able to inform this Court as to

whether any warrant of arrest has been issued against the petitioner.

Be that as it may, in the facts and circumstances of the case and in the interest of *justice*, it is directed that if the petitioner appears before the learned court below within a period of four weeks from today and seeks regular bail, his application shall be decided on the same date, considering this Court's decision, in case of ***Salim Ansari @ Salim Ansari*** (supra).

The application is, accordingly, dismissed.

It is made clear that dismissal of this application should not prejudice the petitioner's case at the time of consideration of his application for regular bail by the learned court below.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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