

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53871 of 2017

Arising Out of PS. Case No.-175 Year-2016 Thana- KURTHA District- Jehanabad

Md. Shakil Ahmad son of Late Md. Israil Ahmad @ Israi Aham resident of
Village- Gangapur, Police Station- Kurtha, District- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 22-11-2017 Heard Sri Manish Kumar no.2, learned counsel, assisted
by Sri Ram Pravesh Nath Tiwari, learned counsel for the
petitioner and Sri Damodar Prasad Tiwary, learned Addl. Public
Prosecutor.

The petitioner, who is in custody since 30.06.2017 in
Kurtha P.S. Case No.175 of 2016 registered for the offence
under Sections 304B/34 of the Indian Penal Code, has prayed
for grant of bail.

Learned counsel for the petitioner submits that earlier the
petitioner had filed a petition for grant of anticipatory bail vide
Cr.Misc.No.19206 of 2017. Though during pendency of
anticipatory bail petition, the petitioner was already arrested on
30.06.2017 and he is in custody since then, this fact was not
brought to the notice of this Court by learned counsel for the



petitioner, who had filed anticipatory bail petition. The said anticipatory bail petition was heard by this Court, in which this Court had summoned case diary and after examining the case diary as well as the fact that in the F.I.R. itself, the informant had stated that the marriage was solemnised eight years back and during supervision, no case under Section 304(B) has been made out, this Court had passed order for grant of anticipatory bail. However, since the petitioner was already taken in custody and this fact was not brought to the notice of this Court, the said order dated 20.07.2017 was not given effect. He submits that this Court in anticipatory bail petition after examining the case diary had granted privilege of anticipatory bail and, as such, the learned Sessions Judge, while hearing regular bail petition, was required to give weightage to the order of this Court.

Be that as it may since after examining the case diary, this Court had already recorded an order for extending the privilege of anticipatory bail and this fact was not brought to the notice of this Court, the Court is of the opinion that it is a fit case for grant of regular bail. Accordingly, let the petitioner, namely, Md. Shakil Ahmad be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Arwal in connection with Kurtha P.S. Case No.175 of 2016.

(Rakesh Kumar, J)

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