

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16742 of 2017

Arising Out of PS.Case No. -369 Year- 2006 Thana -KOTWALI District- MUNGER

=====

Binod Kumar Mangeshkar, Son of Madan Das, Resident of Village-
Ambedkar Nagar, P.O. Naugarhi, P.S. Muffasil, District-Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr. Sri Atul Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-04-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Kotwali (Munger) P.S. Case No. 369 of 2006, registered for offences punishable under Sections 409,419, 420, 465, 467, 468 and 471 of the Indian Penal Code.

The petitioner is named in the FIR and allegation as per the FIR is that one CMD of IDIO Construction and Industries Ltd. has lodged the FIR against 16 persons including the petitioner alleging that all the accused persons conspired together and opened an office purported to be office of IDIO Company and extorted money from public and they have also obtained Rs. 8.5 lakhs as loan.

It has been submitted on behalf of the petitioner that the petitioner has no concern with the aforesaid Company and he has falsely been implicated by the Managing Director of the Company. It has further been submitted that the petitioner has no knowledge about the case and that summons has not been served. Even the warrant has been issued in the month of December, 2016



and as such the petitioner has no knowledge about the same and the petitioner is a practicing lawyer of Civil Court, Munger.

Heard learned A.P.P. as. He opposes the prayer for anticipatory bail stating that the petitioner is named in the FIR and this is a case of the year 2006 and now after 11 years the petitioner is coming before this Court for grant of anticipatory bail.

Having heard both sides and in view of the submissions of learned counsel for the parties, I am not inclined to grant anticipatory bail to the petitioner.

However, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below after examining the facts from the record as to whether the summon or warrant has been served upon the petitioner or not and as to when the non-bailable warrant has been issued against the petitioner. If the submission of the petitioner is correct that he has not been served either the summon, or warrant or non-bailable warrant, the Court below will consider the prayer for bail of the petitioner on the basis of the materials available on the record and pass appropriate order, if possible, on the same day. If otherwise, the court below is free to pass any order or orders as it may deem fit and proper.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

S.Pandey/-

U		T	
---	--	---	--

