

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34007 of 2016

Arising Out of PS.Case No. -358 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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Mahendra Lal Karn son of Sri Dharendra Kumar Lal Das, resident of Karn Kutir, Bhagat Singh Colony, Ward no. 1, Lehria Ganj, P.S. Madhubani (Town), District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kant Choudhary

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 22-02-2017

Heard learned counsels for the petitioner and the State.

The petitioner has renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 302 of the Indian Penal Code.

The prosecution case is that the father of the informant was found lying in a under construction house in injured condition when he was taken to Sadar Hospital, thereafter the injured was referred to DMCH and then to PMCH but ultimately admitted to Novel Emergency Hospital, Kankarbagh, Patna where he has declared dead. The petitioner was not named in the first



information report but suspicion was raised since the victim made the last call to this petitioner with whom there was some dispute with regard to money lending.

It is submitted by learned senior counsel for the petitioner that only on suspicion the accusation has been levelled. Earlier the anticipatory bail application of the petitioner was disposed of on submission of learned counsel for the informant that the processes under Sections 82 and 83 of the Cr.P.C. have been issued. Supplementary affidavit has been filed bringing on record the order of the learned court below dated 26.05.2016 which reflects the issuance of warrant of arrest for the first time, though process under Section 82 Cr.P.C. has been issued vide order dated 31.07.2014 as contained in Annexure-4 to the supplementary affidavit.

Considering the fact that now, the process under Section 82 Cr.P.C. has been issued, this Court is not inclined to revise the earlier order, but it appears, prima facie, that on a wrong submission made by the informant the earlier anticipatory bail application of the petitioner was disposed of.

Considering the fact that the petitioner is not named in the FIR and only on suspicion his name subsequently sprang up during investigation, it is case for consideration of bail



by the learned court below, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Madhubani (Town) P.S. Case No. 358 of 2015 pending in the court of learned Chief Judicial Magistrate, Madhubani.

Accordingly, this application is disposed of with the above observation and direction.

(Dinesh Kumar Singh, J)

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