

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41648 of 2017

Arising Out of PS.Case No. -69 Year- 2016 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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1. Rajesh Kumar Mehta Son of Ram Lalit Singh Resident of Village-
Khesrari, P.S. Patepur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Advocate
Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This is the second attempt of the petitioner for grant of anticipatory bail. Earlier prayer of the petitioner was refused on 20.04.2017 in Cr. Misc. No.51953 of 2016 in connection with Patepur P.S. Case No.69 of 2016, pending in the Court of Additional Chief Judicial Magistrate-X, Hajipur, Vaishali, with clarification that in the event of surrender, the learned Court-below shall not be prejudiced by the rejection order.

The petitioner did not surrender in pursuance of the aforesaid order nor challenge the same before the appellate authority; rather has renewed the prayer for bail on the ground that while refusing the prayer for anticipatory bail earlier one of the



consideration was that the petitioner had not produced any supporting document to substantiate that the petitioner made over charge of the referred articles at the time of relinquishment of the charge.

Contention of the petitioner is that the subsequent development of this case is that the petitioner has already made over charge of the entire register etc. after refusal of the prayer for anticipatory bail earlier and the subsequent development is a good ground to review the prayer.

This Court had already noticed that petitioner had not made over charge of the required register etc. at the time of relinquishment of the charge and the allegation was of defalcation committed in the PACS. Hence, it is not a case of review of the aforesaid prayer. If the petitioner does not surrender within two weeks, the learned Court-below shall take appropriate coercive step for apprehension of the petitioner.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

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