

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53733 of 2017

Arising Out of PS.Case No. -229 Year- 2016 Thana -GHOSI District- JEHANABAD

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1. AMAN KUMAR @ NISHANT KUMAR S/o Pramos Kumar Poddar,
R/o Village- Kusheshwar Asthan, P.S.- Kusheshwar Asthan, District-
Darbhanga, At present residing at mohalla- Munnachak in the House of
dinanath Paswan, P.S.- Patrakarnagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 07-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ghosi P.S. Case No. 229 of 2016 instituted for the offence under Sections-302,201/34 of the Indian Penal Code and 27 of the Arms Act.

It has been submitted on behalf of the petitioner that during investigation, he was earlier remanded in this case on 08-08-2016. Police after investigation, submitted final form in favour of this petitioner and charge sheet against other accused persons was submitted on 17-10-2016 showing the petitioner as innocent. Learned Chief Judicial Magistrate has accordingly released the petitioner from custody by discharging from the charges levelled against him. Thereafter, again, police reinvestigated the case u/S 173(8) Cr.P.C. after taking prior permission from the court concerned and submitted charge sheet against this petitioner for the offence under Sections- 302, 201/34 of the IPC. Thereafter, the learned CJM has issued non bailable



warrant of arrest against the petitioner.

Counsel for the petitioner has submitted that now petitioner is apprehending arrest.

This court finds that petitioner has already been released by the learned CJM after filing of final form by the police and subsequently, on the basis of reinvestigation, charge sheet has been submitted against petitioner and NB/W has been issued. Therefore,, this anticipatory bail petition is not maintainable.

The petitioner is directed to surrender in the court below and make prayer for regular bail and the learned CJM will dispose of the bail petition of the petitioner on the same day keeping in view that he has earlier been released by learned CJM on the basis of final form submitted by the police and after being enlarged on bail, he has not misused the privilege of bail and has been charge sheeted on the basis of reinvestigation done by the police after taking prior permission from the court.

This anticipatory bail application is accordingly *disposed* off.

(Sanjay Priya, J)

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