

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 18127 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -ARIYARI District- SEKHPURA

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Nageshwar Yadav Son of Late Preman Yadav Resident of Village-
Hussainabad, P.S.-Ariyari, District _Sheikhpura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 20-07-2017 Heard Sri Bharat Lal, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehends his arrest in Ariari
P.S. Case No. 11 of 2016 registered for offence under Sections
302/34 of the Indian Penal Code, has prayed for grant of
anticipatory bail, primarily on the ground that though, the
petitioner was named as accused in the F.I.R., during
investigation, the case was not found true and police exonerated
him while submitting its report. However, in this case, the learned
Magistrate, differing with the police report, has taken cognizance
against the petitioner. Accordingly, learned counsel for the
petitioner submits that in such cases, this Court may extend the
privilege of anticipatory bail.



It is true that normally, once statutory investigating agency exonerates the accused during investigation, the accused may be extended the privilege of anticipatory bail, but this principle may not be treated as 'straight jacket formula' and in each & every case, same principle may apply. However, after perusing the F.I.R., in which, the widow/informant, who was also assaulted by four accused persons and in her presence, her husband was done to death and there is accusation, the Court is of the opinion that once in such circumstances, the learned Magistrate, differing with the police report, has taken cognizance, the petitioner may not be extended the privilege of anticipatory bail.

Dismissed.

(Rakesh Kumar, J.)

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