

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35955 of 2017

Arising Out of PS.Case No. -152 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

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Gautam Kumar @ Gautam Kumar Jha S/o- Late Satya Narayan Jha,
Resident of Village- Bardaha, P.S.- Babubarhi, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 23-08-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Madhubani Town P.S. Case No. 152 of 2016 registered for the
offences punishable under Sections 406, 420, 409, 467, 471, 120B,
34 of the Indian Penal Code.

Earlier the petitioner filed Cr. Misc. No. 45116 of
2016 and the aforesaid criminal miscellaneous was rejected vide
order dated 09.01.2017 giving direction to the court below not to
prejudice with above stated order at the time of consideration of
regular bail application of the petitioner.

However, it is submitted on behalf of the petitioner



that on 09.01.2017 when Cr. Misc. No. 45116 of 2016 was taken up for hearing, the matter was adjourned for 17.01.2017 but inadvertently the order of rejection was passed on the record of Cr. Misc. No. 45116 of 2016.

It appears that learned counsel for the petitioner has developed the aforesaid argument on the basis of entry made in the computer on 09.01.2017 in respect of Cr. Misc. No. 45116 of 2016. It is well known fact that entry of the computer is made on the basis of materials available on the record and the order dated 09.01.2017 passed in Cr. Misc. No. 45116 of 2016 goes to show that on that very date, learned counsel for the petitioner was heard by this court.

However, it is alleged that petitioner was allotted some government work but he did not complete the work.

It is submitted on behalf of the petitioner that petitioner has already completed his work which is evident from perusal of Annexure-5 to this petition.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this petition stands disposed of giving direction to petitioner to surrender before the court below in connection with Madhubani Town P.S. Case No. 152 of 2016 and seek regular bail within six weeks from today and if petitioner



does so, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by rejection orders of this court, particularly, keeping in mind the argument advanced on behalf of the petitioner before this court.

(Hemant Kumar Srivastava, J)

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