

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1136 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -BANIAPUR District- SARAN

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1. Baban Rai, son of Sagar Rai,
2. Dinesh Rai, Son of Uma Shankar Rai, Both resident of Village- Majhauri,
P.S.- Baniyapur, District- Saran Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 17-03-2017 Heard learned counsel for the appellants as well as
learned Special P.P.

The instant appeal is disposed of considering the observation having been made under para-28 in the case of **Bisheshwar Mishra v. State of Bihar** as reported in **2016(4) PLJR 1058**, whereunder the roving enquiry is forbidden while ascertaining a prima facie case during course of consideration of prayer for anticipatory bail, save and except, having a glance over the written report/ Fardbeyan/Complaint petition.

However, it is made clear that the instant order will not cause prejudice to the interest of the appellants during course of consideration of prayer for regular bail by the learned lower court who will also consider the liberty being enjoyed by the appellants in terms of Section 41A of the Cr.P.C.

(Aditya Kumar Trivedi, J)

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