

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2621 of 2017

Arising Out of PS.Case No. -161 Year- 2014 Thana -AMARPUR District- BANKA

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Md. Naushad, Son of Md. Shamsad, resident of Village- Shobhanpur
katoriya, P.s. Amarpur, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. Sri Rajeev Nayan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-01-2017 Supplementary affidavit has been filed on behalf of the

petitioner, let it be kept on record.

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of pre-arrest
bail, which was earlier rejected vide order dated 07.05.2015
passed in Cr. Misc. 45083 of 2014, on the ground that after
completion of investigation the petitioner was not sent up for trial
vide Annexure-3 to the supplementary affidavit, but the learned
Magistrate, Banka after differing his opinion took cognizance
hence the petitioner be given protection under Section 438 Cr.P.C.
It is settled principle of law that till the arrest the petitioner may
renew his prayer for pre-arrest bail vide *A.I.R. 2010 Supreme*



Court page 1225 Rabindra Saksena Vs. The State of Rajasthan,
and, as such, the petitioner deserves sympathetic consideration. As per allegation, he has given farsa blow but there is no allegation for repeating the blow and further those allegations have not been substantiated during investigation.

The learned A.P.P. fairly submits that the petitioner was not sent up for trial.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 161 of 2014, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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