

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14494 of 2018

Arising Out of PS. Case No.-226 Year-2016 Thana- Maner District- Patna

Sunil Rai, S/o Radhey Rai of Village- Jeorakhan Tola, Goraiya Asthan, P.S.
Maner, District- Patna. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 14-03-2018 Heard Sri Manoranjan Kumar, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

This is second attempt for grant of anticipatory bail on behalf of the petitioner in connection with Maner P.S. Case No.226 of 2016 registered for the offence under Sections 147, 148, 149, 307, 341, 323, 324, 379, 504 of the Indian Penal Code. Earlier, the prayer for anticipatory bail of the petitioner along with one another accused was rejected by a detailed order. The said order was passed on 31.08.2016 in Cr.Misc.No.31896 of 2016.

It was submitted by learned counsel for the petitioner that at that very time, the case was under investigation. He submits that final report was submitted by the police exonerating the petitioner, however the learned Magistrate after submission of final report , passed order of cognizance differing with the police report and finally issued summon and subsequently



warrant of arrest was also issued against the petitioner. According to learned counsel for the petitioner, the petitioner has falsely been implicated in the case.

However, fact remains that differing with the police report, the learned Magistrate took cognizance of offence, issued summons and subsequently warrant of arrest was also issued, in that event, I am of the opinion that once during investigation itself, the prayer for anticipatory bail was rejected, there is no reason to again entertain the petition for anticipatory bail. Since in the case, after final report submitted in favour of the petitioner, the learned Magistrate has taken cognizance of offence, it would not be appropriate to record order of dismissal. The present petition can be disposed of with an observation that if the petitioner surrenders before the court below within a period of six weeks from today and prays for bail, the learned court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law preferably on the same date.

The petition stands disposed of.

(Rakesh Kumar, J.)

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