

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36216 of 2018

Arising Out of PS.Case No. -440 Year- 2017 Thana -KOTWALI District- PATNA

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Smt. Rina Devi @ Rina Kumari Gupta, wife of Sri Jitendra Kumar Gupat @ Deepak Kumar, resident of village- Bhaktapur Police Station- Kuchaikot, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Sharma, Advocate

For the Opposite Party/s : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Kotwali P.S. Case No.440 of 2017 registered under Sections 417, 418, 419, 420 and 120B of the Indian Penal Code.

It appears that though the court below had summoned the case diary, learned counsel for the petitioner insisted that his case may be disposed of in absence of the case diary on the basis of materials available on record. It is unfortunate that such prayer was allowed by the court below and his application for grant of pre-arrest bail has been rejected. In the opinion of this Court if the court felt necessity for summoning case diary, merely because



counsel insisted for disposal of the case, the court ought not to have disposed of the matter.

Accordingly, I set aside the order dated 07.04.2018 passed by the learned Additional Sessions Judge-III-cum-Special Judge, C.B.I.-II, Patna and remit the matter back to the Court of Additional Sessions Judge, C.B.I., Patna to rehear the anticipatory bail petition no.298 of 2018 after summoning the case diary and pass appropriate order on merit in accordance with law.

Registry shall communicate the order to the court below forthwith.

(Ashwani Kumar Singh, J)

Md.S./-

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