

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61844 of 2017

Arising out of PS.Case No. -38 Year- 2017 Thana -KURSELA District- KATIHAR

Tribhuwan Paswan @ Tribhuwan Kumar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Prabhakar Mishra, Advocate

For the State : Mr. Sri Nityanand Tiwary, APP

For the Opposite Party/s: Mr. Suresh Prasad Sah, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 16-01-2018 At the outset the learned counsel for the petitioner submits that the petitioner is on police bail and he has not misused the privilege of police bail.

The learned counsel for the informant Shri Suresh Prasad Sah appears and says that the present petition is not maintainable.

In view of the judgment of this Court rendered in the case of **Mahendra Prasad Singh vs. the State of Bihar** reported in 2004(3) **PLJR 491**, I direct that the petitioner should surrender before the court below within four weeks from today and the court below would decide his prayer for grant of regular bail on the same day keeping in view the fact that the petitioner has not misused the privilege of bail. Such consideration be made by the learned trial court keeping in mind the principles laid down by this Court in the case of **Mahendra Prasad Singh** (supra).

The petition is disposed off.

(Mohit Kumar Shah, J)

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