

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22468 of 2016

Arising Out of PS.Case No. -55 Year- 2012 Thana -MARHAURA District- SARAN

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Sanjay Kumar Singh @ Tunna Thakur, Son of Sri Shivjee Thakur, Resident of
village- Nethua, P.S.- Marhaura, District- Saran at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-09-2018

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Marhaura P.S. Case
No. 55 of 2012 dated 08.03.2012 instituted under Sections
147/148/149/448/307 of the Indian Penal Code and Section 27 of the
Arms Act.

3. This is the second attempt for Anticipatory Bail by the
petitioner as earlier when the petitioner had moved in Cr. Misc. No.
21669 of 2013, he had withdrawn the application on 23.07.2013.

4. Learned counsel for the petitioner submitted that the
matter relates to an occurrence in which two sides have fought
among themselves and there is a case and counter case. It was
submitted that in the present case and in the counter case also,



cognizance has been taken.

5. Learned A.P.P submitted that once a judicial Court has taken cognizance, the petitioner should be directed to avail of the remedy available to him in law.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned A.P.P. Once a judicial Court upon applying its mind has taken cognizance based on the report submitted by the police, this Court would not go into the veracity or legality or validity of such order taking cognizance for the purposes of considering the present application.

7. Thus, the present application stands dismissed with the observation that as has been submitted by learned counsel for the petitioner, if the police did not find substance in the allegation against him, besides other points, which may be available to him, the Court shall consider such aspect while considering the case of the petitioner when he appears before the Court for bail.

(Ahsanuddin Amanullah, J.)

P. Kumar

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