

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44407 of 2018

Arising Out of PS.Case No. -5 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Shyam Kumar, Son of Late Rameshwar Prasad Sahu, a resident of Mohalla- Gaighat, Daxini Gali, Alamganj Police Station- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Superintendent of Police, C.B.I., S.C.B., Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

For the CBI : Mr. Sanjay Kumar, SC, CBI

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2018 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in R.C. No. 5(S)/2015, instituted for the offences under Sections 380 and 120(B) of the Indian Penal Code. Later on Sections 467, 468 and 471 of the Indian Penal Code were also added.

Learned counsel for the petitioner has submitted that the petitioner was initially granted bail in this case after registration of the F.I.R. by the learned Railway Magistrate on 03.01.2008. The case was thereafter handed over to the CBI. The CBI after investigation submitted charge-sheet in this case for the offences under Sections 379, 411, 467, 468 and 471 of the Indian



Penal Code. The Court below after submission of the charge-sheet took cognizance against the petitioner under Sections 379, 411, 467, 468 and 471 of the Indian Penal Code.

Learned counsel for the CBI has submitted that in the instant case anticipatory bail is not maintainable because earlier the petitioner was granted bail by order dated 03.01.2008 passed by learned Railway Magistrate.

In aforesaid facts and circumstances, the petitioner is directed to surrender before the Court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, which shall be considered by the court below in accordance with law taking into consideration the observation made by this Court in case of ***Mahendra Prasad Singh Vs. the State of Bihar*** reported in ***2004(3) PLJR491*** that a person who is already on bail shall not be denied such privilege unless there is any allegations of misuse etc. or having absconded, on its own merit without being prejudiced by this order.

(Sanjay Priya, J.)

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