

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 6971 of 2018

Arising Out of PS. Case No.-276 Year-2005 Thana- Munger Complaint Case District-
Munger

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Dinesh Sharma, Son of late Pyarelal Sharma, Resident of Jail road, P.S.-Tilka Manjhi, Dist.-Bhagalpur wrongly described in the complaint as Manager, P.S. & Co.Co.-operative, Sumirit Mandal Complex, Tika Manjhi, Jail road, Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Ashok Kumar Sah, Son of Late Hari Lal Sah, resides Behind Konark Cinema, New Shastri Nagar, PS-Karim Bazar, District-Munger.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa
For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 12-02-2018 Heard Mr. Ashhar Mustafa, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Complaint Case No. 276-C of 2005, in which, cognizance order has been passed under Sections 409, 419 of the Indian Penal Code, has prayed for grant of anticipatory bail.

Learned counsel for the petitioner tried to persuade the Court that without any basis, the petitioner has been made accused. He further submits that same complainant, in relation to the same nature of accusation, had filed four other complaints, in which, the petitioner has already been granted bail.



On perusal of the material on record, it is evident that anticipatory bail of the petitioner was rejected long back on 17-06-2014 by the learned Sessions Judge, Munger and no plausible explanation has been given for approaching this Court in the year 2018 for grant of anticipatory bail.

Considering the fact that petitioner has approached this Court much belatedly, there is no reason to entertain the prayer for anticipatory bail. However, it is made clear that if within a period of six weeks from today, the petitioner appears before the court below and makes a prayer for regular bail, the learned court below, without being prejudiced with this order, may examine the same on its own merit and also consider as to whether on same accusation, petitioner was earlier made accused by the complainant and in those cases, the petitioner has been granted bail or not. The learned court below may pass appropriate order on the same date.

The petition stands disposed of.

(Rakesh Kumar, J.)

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