

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52216 of 2018

Arising Out of PS.Case No. -17 Year- 2014 Thana -HASPURA District- AURANGABAD

=====

1. Nitish Kumar, Son of Vijay Singh @ Vijay Kumar Singh, resident of
Village- Makbulpur, P.S.- Haspura, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Chandra Shekhar, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Haspura P.S. Case No.17 of 2014, registered for the offences punishable under Sections 341/323/504/506/34 of the Indian Penal Code. Subsequently, offence under Sections 376/511/324 of the Indian Penal Code was added.

In the FIR the informant simply alleged commission of abuse and assault by the petitioner and others. In her restatement before the police, she leveled allegation that the petitioner attempted to ravish her. Thereafter, the offence under Section 376/511 of the Indian Penal Code was also added and after investigation the police submitted charge sheet and cognizance



was taken against the petitioner accordingly.

Submission of the learned counsel for the petitioner is that the petitioner was on bail granted by the learned Court-below during investigation of the case. However, after submission of charge sheet under Sections 376/511 of the Indian Penal Code the petitioner apprehends his arrest on appearance before the learned Court-below.

Since the petitioner is already on bail granted by the learned Court-below in this case, there is no reason that the petitioner would be sent to jail only for submission of charge sheet and cognizance for some graver offences unless there is material to substantiate misuse of privilege of bail. The learned Court-below shall act according to judgment of this court passed in the case of **Mahendra Prasad Singh V. The State of Bihar** reported in **PLJR 2004(3) PLJR 491**.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

