

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50553 of 2018

Arising Out of PS. Case No.-251 Year-2018 Thana- MADHAURAH District- Saran

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Amit Kumar Yadav, son of Arun Kumar, resident of village - Hasanpura, P.O.
& P.S.- Marhaura, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-01-2019 Heard learned counsel for the petitioner. No one
appears for the State.

Petitioner is seeking anticipatory bail in connection
with Marhaura P.S. Case No. 251 of 2018 registered for the
offences punishable under Sections 341, 323, 353 and 504/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that even
though the allegation against the petitioner is that he had entered
in the official chamber of the computer operator and accountant
and had assaulted them, the fact remains that the allegations are
false and the petitioner has been falsely implicated. Learned
counsel submits that no case under Section 353 of the Indian
Penal Code is made out against the petitioner and so far as the
other allegations are concerned, those are bailable offences.



No one appears on behalf of the State to oppose this application.

A persual of the impugned order shows that the learned Additional Sessions Judge-VIII, Saran, Chapra has, while rejecting the prayer for anticipatory bail, found that it is a case of regular bail. This Court apparently finds that the submission of learned counsel for the petitioner that offence under Section 353 I.P.C. is not made out may be correct, but considering the nature of allegations and then the observations already given by the learned Additional Sessions Judge-VIII, Saran, Chapra, this Court thinks it just and proper to refuse grant of anticipatory bail. In case the petitioner surrenders in the court below within a period of two weeks from today, the court below shall consider the application for regular bail of the petitioner keeping in mind the observations of the learned Additional Sessions Judge-VIII, Saran, Chapra and the prayer for regular bail shall not be rejected only because this Court has not granted privilege of anticipatory bail.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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