

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52223 of 2019

Arising Out of PS. Case No.-61 Year-2016 Thana- SILAO District- Nalanda

=====

SRI SUBODH KUMAR Son of Late Shyam Narayan Prasad Proprietor
Paramdayal Rice Mill Rajgir Road Silao, Resident of Village-Basaniyawa,
P.O.-Nahub, Police Station-Chhabilapur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food and Civil Supply Corporation Ltd Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-11-2019 This application, for grant of anticipatory bail,

arises out of Special Case No. 31/2017 arising out of Silao P.S.

Case No. 61/2016, disclosing offences under Sections 409 and

420 of the Indian Penal Code.

It appears that petitioner was earlier granted
provisional bail by learned court below with direction to deposit
the amount and in view of that petitioner surrender before the
court below and made some payment also.

Now the present anticipatory bail application has been
filed in view of the order of Hon'ble Apex Court as situation
has changed.

Learned counsel for the State opposed the prayer for



anticipatory bail.

From perusal of impugned order, it appears that prayer of anticipatory bail of the petitioner was rejected by the learned Additional Sessions Judge on the ground of maintainability as once he appears before the court below as per direction of the learned Sessions Judge and partly complied the order also, this application is not maintainable. This court also agrees with the above stand taken by the learned Sessions Judge, as such, I am not inclined to grant the privilege of anticipatory bail to the petitioner, however, if petitioner surrenders before the court below and make prayer for regular bail, the court below shall consider the same on merit of the case as well as in view of the direction of Hon'ble Supreme Court..

This application is, accordingly, dismissed .

(Vinod Kumar Sinha, J)

sunilkumar/-

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

