

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64013 of 2019

Arising Out of PS. Case No.-236 Year-2002 Thana- SAMASTIPUR District- Samastipur

MD. SARFARAJ ALAM S/o Md. Kazim Mesers Tiranga trunk Udayog,
Ganesh Chowk, R/o Mohalla- Magardahi Chowk, P.S.- Twon, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Sinha
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-10-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Samastipur (Town) PS Case no.236/2002 registered for offences punishable under Sections 406 and 420 of the Indian Penal Code.

As per FIR, the petitioner was directed for supply of 764 boxes in the election held in the year, 1997, however the petitioner has not supplied the boxes as per the specification and there was some discrepancies in the boxes. The case had been lodged after five years as the case is of the year, 2002.

Submission of the learned counsel for the petitioner is that there is delay in lodging the FIR and no explanation has been asked from the petitioner. Further submission is that the



cognizance had been taken in the year, 2015 and thereafter as he was not hold guilty he could not file any application for anticipatory bail.

Heard learned A.P.P. , who has opposed the prayer for bail on the ground that after ten years, the petitioner has come for grant of anticipatory bail.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, this application is disposed of with a direction that if the petitioner surrenders before the learned court below and make prayer for regular bail, same will be considered by the learned court below on its own merit without being prejudiced by the order of this Court and is possible to be disposed of on the same day.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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