

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77684 of 2018

Arising Out of PS. Case No.-171 Year-1995 Thana- UJIYARPUR District- Samastipur

Jai Kishore Singh son of Late Mishri Singh resident of village Malti, P.S. Ujiarpur, District Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra
For the Opposite Party/s : Mr.Sri Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 31-01-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Sikandra P.S.Case no.171 of 1995 registered for offences punishable under Sections 306, 201/34 of the Indian Penal Code.

Allegation against the petitioner is of causing death of his wife. It further appears that the case is of the year, 1995 and thereafter the police after investigation has submitted final form not finding the case true but later on cognizance has been taken in the year, 2008 itself. The impugned order shows that the processes under Section 82 of the Cr.P.C. has already been issued.

Submission of the learned counsel for the petitioner is that the processes under Section 82 of the Cr.P.C. has not been



issued and he has annexed a copy of the order-sheet.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender before the learned court concerned within a period of six weeks from the date of order, who will examine the fact as to whether any process under Section 82 of the Cr.P.C. has actually been issued prior to filing of anticipatory bail application, if not so, he will release the petitioner on bail otherwise free to pass any other order or orders as may be deemed fit and proper.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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