

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23793 of 2020

Arising Out of PS. Case No.-5 Year-2013 Thana- SINGHESHWAR District- Madhepura

MANOJ KUMAR SINGH Son of Chaturanand Singh Resident of Village-
Rampatti, Police Station-Singheshwar, District-Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Part

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-10-2020

. As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Singheshwar. PS Case No. 5 of 2013 registered under Sections 379, 406 of the IPC, Section 8 of Bihar Minerals (Prevention of Illegal Mining, Transport and Storage) Rules, 2003 and Section 40 of Bihar Minor Minerals Concession Rules 1972.

Learned Counsel for the petitioner submits that relying upon the decision in the case of Mahendra Prasad Singh vs State of Bihar & ors reported in 2004(3) PLJR 491 the petitioner would now



be entitled for grant of bail in the instant case in view of the settled legal position. He will approach the court below for grant of such relief.

This Court would observe that should the petitioner submit to the court below i.e. the Court of Sri Sunil Kumar Mishra, Judicial Magistrate, 1st Class, Madhepura for grant of regular bail, the prayer is required to be considered in view of the settled legal position and the court below shall not be prejudiced by the fact of petitioner's anticipatory bail had been rejected on 9.12.2016 or withdrawal of the instant application.

The application stands disposed of.

(Madhuresh Prasad, J)

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