

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76729 of 2019

Arising Out of PS. Case No.-150 Year-2010 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Sudhir Prasad @ Sudhir Yadav, son of Bhagirath Yadav, Resident of Village -
Janakpur, P.S.- Khudaganj, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Manoj Kumar @ Manoj Paswan, son of Pabitra Paswan, Resident of
Village - Samas, Bujurg, P.S.- Barbigha, District- Shekhpura, at present
Rajgeer Block More, P.S.- Rajgeer, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of
anticipatory bail apprehending his arrest in a case registered for
the offence under sections 406 and 323 of the Indian Penal
Code.

As per the allegation in the complaint, it is stated by the
complainant that he had given advance of Rs. 24,000/- to the
petitioner and Rs. 25,000/- to one Krishna Ballabh Kewat for
supply of workers as the complainant was involved in the work
of stone chips. It is stated that the said amount was not returned
and as such the complaint.



It is submitted by learned counsel for the petitioner that the case of the petitioner stands on the similar footing to that of Krishna Ballabh Kewat, who has been enlarged on bail by order dated 10.5.2019 (Annexure- 2) passed in Criminal Misc. no. 31135 of 2019. It is further submitted that the petitioner has no criminal antecedent.

It is submitted by learned Additional P.P for the State that the complaint was filed in the year 2010 and almost 10 years have passed. It is further submitted that from the order dated 28.9.2019 passed by the learned Court below in ABP no. 2150 of 2019 it would transpire that the petitioner had moved for grant of anticipatory bail in the Court below and the anticipatory bail had been granted by order passed in ABP no. 427 of 2011, however, the petitioner did not surrender in the Court. The learned Court below by its order dated 28.9.2019 has rejected the application for anticipatory bail on the ground of it not being maintainable.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the petitioner had been granted anticipatory bail vide order passed in ABP no. 427 of 2011, the Court is not inclined to enlarge the petitioner on anticipatory



bail and hence this application for anticipatory bail is rejected.
The petitioner is directed to surrender the Court below within six weeks.

However, taking into consideration the nature of allegation together with the fact that the petitioner had been granted anticipatory bail earlier as also grant of anticipatory bail by order dated 10.5.2019 to the similarly situated co-accused, in case the petitioner surrenders within a period of six weeks, the learned Court below shall dispose off the application for bail expeditiously and preferably on the same day without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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