

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81142 of 2019

Arising Out of PS. Case No.-72 Year-2003 Thana- KUMAR KHAND District- Madhepura

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AJAY KUMAR SINGH @ AJOY KUMAR SINGH, Son of Dinesh Prasad Singh Resident of Village- Masarhi, P.S.- Gaurichak, District- Patna. Presently Posted as Deputy Collector Land Reform Narkatiyaganj, Distt.- West Champanra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 25-10-2021 Heard Mr. Vikram Deo Singh, learned advocate for the petitioner and Mr. Sanjay Kumar Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kumarkhand P. S. Case No. 72 of 2003, corresponding to G.R. Case No. 584 of 2003, instituted for the offences under Sections 409, 406, 420, 120B, 204, 218, 119 and 34 of the Indian Penal Code.

The petitioner had earlier preferred an application for the same relief but the same was



permitted to be withdrawn by order dated 22.11.2004.

The learned advocate for the petitioner has submitted that at that time, the application was sought to be withdrawn on the ground that the investigations revealed that the accusation was true against only three of the other accused persons and not against the petitioner. Therefore, in his wisdom, the petitioner sought permission to withdraw the application for anticipatory bail in order to surrender before the court below and seek bail. For some reason or the other, the petitioner could not surrender before the court below.

The investigation of this case has continued till today.

The circumstances have also not changed.

The petitioner is a government servant and under protest and without prejudice to his rights and contentions, he has also deposited the amount in question in the government treasury.

In view of the aforesaid facts, this Court directs



that in the event of the petitioner surrendering before the court below and seeking bail, those grounds shall be taken into account in its correct perspective and an order shall be passed, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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