

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12064 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

SHIV SHANKAR SAHNI S/o Arjun Sahni R/o village- Makasudanpur
Bhadaiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 23-03-2022 Learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

The petitioner apprehends his arrest for the offences
alleged under Sections 302/34 of the Indian Penal Code
registered in the connection with Mohiuddin Nagar P.S. Case
No. 108 of 2020.

At the very outset, the learned APP has submitted that
Paragraph-72 of the supplementary case diary shows that the
process under Sections 82/83 of the Cr.P.C. has been initiated
and the petitioner is not entitled for anticipatory bail.

In view of aforesaid submissions, this application is
dismissed as not maintainable, in the light of the recent decision



in the case of **Prem Shankar Prasad Vs. State of Bihar and Another (2021 SCC online SC 955)**.

If the petitioner surrenders and seek regular bail before the Court below, his bail application shall be considered on their own merit, without being prejudiced by this order.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time provided hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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