

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14135 of 2021

Arising Out of PS. Case No.-325 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

MD. ISLAM @ MD. ISLAM MISTRI S/o- Late Chana Mian, Resident of
Village- Panapur Khurd, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Kalyan Shankar

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

ORAL ORDER

5 18-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State

The petitioner apprehends his arrest in connection
with Brahampur P.S. Case No. 325 of 2019 registered for
offence punishable under sections 323, 341, 307, 379, 406 and
384/34 of the Indian Penal Code.

The xerox copy of case diary has been received
seeking unconditional apology for delay in transmitting the case
diary and it has also been mentioned by the Senior
Superintendent of Police that stern action has been taken against
the concerned Investigating Officer.



At the very outset, the learned Additional Public Prosecutor has submitted that the notice has been served on the petitioner under section 41 (1) of the Code of Criminal Procedure and the petitioner, as per paragraph 81 of the case diary, has assured to comply the direction of the Investigating Authority.

The learned counsel for the petitioner has submitted that merely because the notice has been issued, it cannot be said that the anticipatory bail petition is not maintainable.

As the notice has been issued, there is no apprehension of arrest. As such, the petitioner is directed to surrender before the court below and make a prayer for regular bail, it shall be disposed of without being prejudiced by this order.

With these observations, this criminal miscellaneous petition is being disposed of.

(Nawneet Kumar Pandey, J)

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