

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6105 of 2022

Arising Out of PS. Case No.-181 Year-2019 Thana- DARAUNDA District- Siwan

Rabindra Rai @ Rabindra Kumar Rai Son of Prabhunath Rai Resident of
Village- Hathopur, P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. VP Sinha, Sr. Advocate Mr. Sanjay Kumar Singh
For the Informant	:	Mr. Bijay Prakash Singh
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

Earlier the bail application of petitioner was rejected
vide order dated 01.02.2021 passed in Cr. Misc. No. 35508 of
2020. Petitioner has renewed his prayer for bail on the ground
that chargesheet was not submitted within the statutory period.

It is submitted on behalf of petitioner that chargesheet
was submitted by the IO Anil Kumar Singh while he was under
suspension and as such, no chargesheet was legally submitted
within the statutory period and therefore, he is entitled to get
benefit of section 167(2) of the Cr.P.C.

However, counsel for State and informant vehemently
opposed and submitted that as a matter of fact, the investigation



was completed much before 31.01.2020 and the same was signed before receiving the suspension order. Mere filing the chargesheet during suspension period does not vitiate the investigation. It is mere irregularity and not illegality and the learned court below has rightly accepted the chargesheet and there is no infirmity which warrants interference by this Court.

Considering the submissions made advanced on behalf of the parties and materials available on record, I do not find any illegality in the impugned order passed by the learned Additional District & Sessions Judge, Siwan, hence does not require any interference.

Accordingly, this application is dismissed.

(Prabhat Kumar Singh, J)

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