

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15158 of 2018

Arising Out of PS. Case No.-28 Year-2017 Thana- RISIYAP District- Aurangabad

Rajendra Singh Son of late Kamdeo Singh Resident of Village- Rampura, P.S.
Muffasil Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kr. Singh, APP.
For the Mines & Geology:		Mr. Naresh Dikshit, Spl. PP.
	:	Mr. Utsav Anand, JC to Spl. PP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-11-2022 Heard learned Counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned

Special Public Prosecutor for the mines.

Learned counsel for the petitioner submits that petitioner was granted anticipatory bail vide order dated 18.08.2017 passed by Co-ordinate Bench of this Court in Cr. Misc. No.36613 of 2017. He further submits that provisional bail was granted with a condition that upon surrender, the petitioner shall produce all the relevant papers and it was directed that on being satisfied by the documents filed by the petitioner, the court below will confirm the provisional bail of petitioner, otherwise the court below will be free to pass any such order as he may

deem fit and proper.

Learned counsel for the petitioner submits that upon surrender petitioner has annexed the documents (Annexure-3 series & Annexure-4) but the Trial Court has not whispered anything relating to the materials which were filed before the Court on 15.11.2017 and instead of confirming the bail, had dismissed the application of petitioner dated 15.11.2017. Learned counsel for the petitioner further submits that in similarly situated cases Co-ordinate Bench of this Court has pleased to grant bail to other persons which is Annexure-6 series to the present application.

Learned Special Public Prosecutor for mines submits that provisional bail was granted earlier to the petitioner and in similar type of cases series of persons were granted bail.

In the present facts and circumstances of this case and the submissions made above, let the order dated 15.11.2017 passed by A.C.J.M. VIII, Aurangabad in connection with Rishiup P.S. Case No. 28 of 2017 is hereby quashed and the order dated 18.08.2017 passed in Cr. Misc.

No. 36613 of 2017 is hereby modified to the extent that the provisional bail granted to the petitioner namely Rajendra Singh is hereby confirmed by this Court.

With this direction the present Quashing Application is allowed.

(Dr. Anshuman, J.)

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