

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54143 of 2023

Arising Out of PS. Case No.-151 Year-2020 Thana- DESARI District- Vaishali

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Rupesh Kumar Singh @ Rupesh Kumar Son Of Pramod Singh Resident Of
Village- Desari, Ps -DESARI, Distt -VAISHALI

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Prakash Chandra Jha, Advocate
For the Opposite Party : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-09-2023

1. Heard.

2. Earlier anticipatory bail application of the petitioner was dismissed by order dated 29.01.2022 passed in Cr. Misc. No. 4600 of 2021, on the ground that the same was not maintainable as the process under Section 82 & 83 of the Cr.P.C. had already been issued. On merit, the anticipatory bail of the petitioner was not rejected.

3. On behalf of the petitioner, it has been submitted that the informant has retracted from his earlier statement made in the F.I.R. and has filed an application in the Court below vide Annexure-5 to the present application stating that the case was instituted due to mistake of fact. It is further pointed out that the petitioner is a bank employee.

4. Considering the submissions made on behalf of the



petitioner, the present application stands disposed of as being not maintainable for the reason that the process under Section 82 and 83 of the Cr.P.C. has already been issued.

5. However, if the petitioner surrenders in the Court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order taking into account the petition filed by the informant coupled with the fact that the petitioner is a bank employee and, the bail petition of the petitioner be disposed of preferably, on the same day.

(Sudhir Singh, J)

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