

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57983 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- RAJEPUR District- East Champaran

GOLU KUMAR S/O ANIL KUMAR YADAV @ ANIL RAI R/O VILLAGE-
WARD NO. 5 KOTHIA HARERAM, P.O AND P.S- MEHSI, DISTT.- EAST
CHAMPARAN, MOTIHARI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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

ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner apprehend his arrest for the offences
alleged under Sections 363, 366(A), 34, 120B of the Indian
Penal Code and later on Section 302 of the IPC was added,
registered in connection with Rajepur P.S.Case No.30 of 2022.

At the very outset, the learned APP has submitted that
from perusal of the case diary, it appears that the process under
Section 83 of the CrPC has been initiated and the petitioner is
not entitled for anticipatory bail.

In view of the aforesaid submission, 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 seeks regular bail before the court below, his bail application shall be considered on its own merit, without being prejudiced by this order.

(Nawneet Kumar Pandey, J)

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