

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7275 of 2023

Arising Out of PS. Case No.-29 Year-2009 Thana- PAKRIDAYAL District- East Champaran

RAMESHWAR PRASAD @ RAMESHWAR PASWAN Son of Late Vilas
Paswan Resident of Village - Dumarbana, P.S.- Pakaridayal, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent. Learned counsel
next submits that after institution of the FIR the petitioner was
granted police bail, thereafter, charge-sheet came to be
submitted. It is next submitted that the learned Trial Court
thereafter took cognizance and for the first time summons
against the petitioner was issued on 05.01.2022. It is thus
submitted that it was only after issuance of summons that
petitioner came to know that cognizance in the case has been
taken. The learned counsel next submits that petitioner
apprehends his arrest on the ground that now cognizance has



been taken by the learned Trial Court.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner should go and surrender and seek bail in terms of the order dated 12.04.2004 in the case of ***Mahendra Prasad Singh Vs. The State of Bihar*** wherein it has been held that the law is clear that a person who is already on bail shall not be denied such privilege unless there are any allegations of misuse etc.

The learned counsel for the petitioner at this stage seeks permission to withdraw the anticipatory bail application with a liberty to surrender before the learned Trial Court in terms of the order dated 12.04.2004 in Cr. Misc. No. 7034 of 2004 (***Mahendra Prasad Singh Vs. The State of Bihar***) ***Reported in 2004 (3) PLJR-491.***

In the event, if the petitioner surrender before the learned Trial Court within six weeks from today, the learned Trial Court shall consider his application in terms of the order dated 12.04.2004 in Cr. Misc. No. 7034 of 2004 (***Mahendra Prasad Singh Vs. The State of Bihar***).

(Satyavrat Verma, J)

GauravSinha/-

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