

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34252 of 2024

Arising Out of PS. Case No.-79 Year-2012 Thana- TAJPUR District- Samastipur

Shashi Bhushan Ray son of Late Ram Swarath Ray Resident of Village-
Lodipur P.S. Tajpur Halai O.P District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahrukh Shiddiqui, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Tajpur P.S. Case No. 79 of 2012 for the offence under Sections 406 and 420 of the I.P.C. lodged on 16.04.2012 by the informant, Kameshwar Singh.

3. As per the prosecution story, the informant, an official of the Central Bank of India lodged the FIR as he being the defaulter loan repayment regarding purchase of a tractor.

4. Learned counsel for the petitioner submits that he was all along on police bond under Section 41(1) of the Cr.P.C. The further submission is that he will be approaching the Court in the line of an order of the Patna High Court in the Case of **Mahendra Prasad Singh vs. State of Bihar (Cr. Misc. No. 7034 of 2004)** reported in **2004 (3) PLJR 491** after withdrawing the present petition.

5. Learned counsel for the petitioner has taken this Court to paragraph-5 of the said order of **Mahendra Prasad**



Singh (supra) which read as follows:-

“5. In the facts of the case, petitioner must honour the terms of police bail and appear before the Court without any delay. In case, petitioner appears before the Court below within six weeks then the Court below shall consider his prayer for bail in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegations of misuse etc. With this observation this application for anticipatory bail is disposed of.”

6. Appreciating the submissions put forward by the learned counsel for the petitioner, Mr. Syed Firoz Raza and allowing him to withdraw the petition, this Court observes that if he approaches the concerned Court within four weeks and files bail petition, the same shall be considered in the light of the order incorporated above.

7. The present anticipatory bail application is disposed of.

(Rajiv Roy, J)

Adnan/-

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