

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66227 of 2024

Arising Out of PS. Case No.-188 Year-2018 Thana- BARHIYA District- Lakhisarai

Manoj Kumar @ Menoj Kumar @ Manoj Son of Bhayasudan Prasad Singh
R/O- Shiv Tola, Near Pragati Bhawan, Ward No.- 13, Barahiya, P.S.-
Barahiya, District - Lakhisarai, presently posted as Deputy Chairman, Nagar
Panchayat Barahiya, under Lakhisarai District.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-12-2024 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mr. Surendra Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Barahiya P.S. Case No. 188/ 2018 dated 15.09.2018
registered for the offence(s) punishable under Section(s) 353,
504 and 506 of the IPC.

3. The main submissions advanced by learned counsel
for the petitioner are that this is the second attempt of the
petitioner to get the relief of anticipatory bail and his first prayer
was not decided on merit rather the same was dismissed as
withdrawn vide order dated 15.03.2019 passed in Cr. Misc. No.
76678/ 2018 and in the instant matter FIR was registered for the
offences punishable under section (s) 353, 504 and 506 of the



IPC but the charge sheet was filed under section 504 of the IPC and later on the learned Magistrate, differing with the police conclusion, took cognizance for the offences punishable under sections 353 and 504 of the IPC and thereafter the learned Magistrate has issued summons against the petitioner for his appearance but thereafter no action was taken. It is further submitted that petitioner is the Vice President of Nagar Panchayat, Barahiya and the present FIR was lodged in retaliation to the several applications filed by the petitioner against the informant indulging in corrupt practices, prior to lodging of the FIR.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner and submits that cognizance of the alleged offence was taken in the year 2019, as per submission of counsel for the petitioner, so, there is possibility of exhaustion of processes including 82/83 of the Cr.P.C. against the petitioner to get his appearance.

5. Having considered the above submissions advanced by the petitioner's counsel and mainly taking into account the nature of allegation against the petitioner, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his



arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Barahiya P.S. Case No. 188/ 2018 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further condition that the instant privilege of bail granted by the present order will be effective only when no processes under sections 82/83 of the Cr.P.C have been issued by the trial court against the petitioner before filing of the present petition for getting his appearance.

(Shailendra Singh, J)

BKS/-

U		T	
---	--	---	--

