

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51205 of 2024

Arising Out of PS. Case No.-11 Year-2017 Thana- KHANPURA District- Samastipur

Md. Raja @ Raju Khan Son Of Md. Khalil Vill- Bajitpur Kilaghat, P.S- Town,
Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Adv Mr. Padmanabh Kashyap, Adv Mr. Deepak Kumar, Adv Mr. Akhleshwar Mishra, Adv Mr. Akash Hari, Adv
For the Opposite Party/s :		Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

7 21-02-2025 The matter has been placed under the heading “To Be Mentioned”.

It appears that vide order dated 12.02.2025, a report was called for from the learned Court below regarding facts of earlier surrender by the petitioner as mentioned in para 84 of the case diary which suggests that petitioner has surrendered and he has been sent to the judicial custody.

The report has been received and it has been kept at Flag-A. The report of learned Principal District & Sessions Judge, Samastipur dated 18.02.2025 suggests that

a wrong information has been mentioned by the Investigating Officer in para 84 of the case diary regarding surrender and sending the petitioner in judicial custody.

Learned Principal District & Sessions Judge, Samastipur is directed to call for an explanation from the concerned Investigating Officer as to why appropriate action be not taken against him for mentioning wrong fact in para 84 of the case diary without verifying it.

Heard learned counsel for the petitioner and learned A.P.P appearing on behalf of the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 302 of the Indian Penal Code.

From perusal of the impugned order, it appears that learned Sessions Judge, Samastipur, while disposing the anticipatory bail petition of the petitioner has observed that petitioner is not named in the F.I.R, hence, no requisition against him on the record which could show his apprehension of arrest, as such, anticipatory bail petition of the petitioner was dismissed as not maintainable.

Learned counsel appearing on behalf of the

petitioner has drawn the attention of this Court towards the charge-sheet which was submitted on 25.04.2017 in which the allegation against the petitioner along with other accused persons were found true which further indicated that learned Sessions Judge has not disposed of the anticipatory bail petition of the petitioner on merits.

In that view of the matter, the petitioner is directed to file a fresh anticipatory bail petition before learned Sessions Judge, Samastipur, who will consider the petition as per materials available on record and decide the matter in accordance with law.

Accordingly, the present petition stands disposed of.

(S. B. Pd. Singh, J)

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