

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl)... 2008

(From the judgement and order dated 21/05/2008 in CRLM No.15444/2008 of
The HIGH COURT OF PATNA)

BIJAY KUMAR MISHRA

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(With CRLMP No.15132/2008 - for c/delay in filing SLP)

Date: 26/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. Samir Ali Khan,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Heard.

Delay condoned.

We are not inclined to accept the prayer for protection in terms of Section 438 Cr.P.C. The special leave petition is, accordingly, dismissed. However, if the petitioner surrenders before the concerned court and moves for bail, the court would do well to dispose

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of the application on the day it is presented. Needless to say that before the application for bail is moved, the prosecuting agency shall be given intimation as to the date on which the bail application is proposed to be moved. Our rejecting prayer to extend the benefit in terms of Section 438 Cr.P.C. shall not be construed as

if we have expressed any opinion on the merits of the case.

(Shashi Bala Vij)
Court Master

(Neena Verma)
AR-cum-PS