

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11322 of 2015

Arising Out of PS.Case No. -39 Year- 2014 Thana -GAYA GRP CASE District- GAYA

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1. Bipul Kumar @ Bipul Sharma S/o Ramadhar Sharma Resident of Village Ikkil, P.S. Makhdumpur, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Digvijay Pratap Singh
For the Opposite Party/s : Mr. Durgesh Nandan (App)
For the Informant :- Mr. Ajay Kumar Thakur,
Mr. Jitendra Kumar Roy.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 21-05-2015

Heard Mr. Rama Kant Sharma, learned Senior

counsel for the petitioner, learned Additional Public Prosecutor for the State and Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the informant.

This is an application seeking anticipatory bail in a case registered for the offences punishable under sections 302, 201/34 of the Indian Penal Code.

Learned Senior Counsel appearing on behalf of the informant at the very outset has submitted that process under section 82 of the Code of Criminal Procedure has already been issued against the petitioner and, therefore, this application for anticipatory bail is not maintainable in view of the judgments of the Hon'ble Supreme Court on this point.

Learned Senior Counsel representing the petitioner has submitted that there is absolutely no material against the petitioner over and above suspicion that too remote one, which submission has been controverted by the learned counsel representing the informant.

However, in view of the repeated Supreme Court's pronouncements the privilege of anticipatory bail cannot be granted when the person seeking such privilege has been declared absconder. This application for grant of anticipatory bail in connection with Jehanabad Rail P.S. Case No. 39 of 2014 pending in the court of the Railway Judicial Magistrate, Gaya is, accordingly, rejected.

The petitioner is directed to surrender before the court below within four weeks from today and if he does so and seeks regular bail, his application for grant of regular bail shall be considered on its own merit without being prejudiced by rejection of the present anticipatory bail application. The Court expects that the court below shall consider as to whether there is any cogent material against the petitioner, collected in course of investigation or not, while considering his regular bail, if so preferred.

(Chakradhari Sharan Singh, J)

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