

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41760 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -PARBATTa District- BHAGALPUR

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1. Uzzwal Kumar @ Chhotu Kumar Son of Nirmal Kumar resident of
village - Khagra, P.S. Parwatta, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain

For the Opposite Party/s : Mr. Nand Kishore Pd.(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 07-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 307 and other sections of the Indian Penal Code. Later on
section 302 of the IPC was added.

The learned counsel for the petitioner submits that
anticipatory bail petition of the petitioner was earlier rejected vide
order dated 11.07.2014 passed in A.B.P. No. 1506 of 2014. The
police after investigation submitted final form but the learned
Magistrate took cognizance. The learned counsel for the petitioner
submits that the anticipatory bail was granted during the
investigation period and second anticipatory bail petition is
maintainable in view of law laid down in the case of *Bharat
Choudhary & Anr. vs. The State of Bihar & Anr.* reported in

(2003) 8 SCC 77 (2003 (4) PLJR 217). It is also submitted that the aforesaid judgement of the Apex Court has been referred in Cr. Misc. No. 18108 of 2006 (*Anirudh Prasad Yadav @ Sadhu Yadav vs. the State of Bihar*) reported in 2006 (2) PLJR 676.

On perusal of the judgement aforesaid, it appears that the contention of the petitioner is factually wrong and cannot be accepted. The petitioner was granted anticipatory bail not till the submission of charge sheet but for ever. The petitioner, for the reasons best known to him, did not appear in pursuance of the order passed in A.B.P. No. 1506 of 2014 in order to furnish bail bonds. It is the fault on the part of the petitioner that he did not surrender in the court for furnishing bail bonds.

In the aforesaid facts and circumstances, the anticipatory bail petition is not maintainable. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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