

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45878 of 2015

Arising Out of PS.Case No. -82 Year- 2013 Thana -MAJHAHGARH District- GOPALGANJ

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Lalbabu Prasad S/o Late Phulena Bhagat Resident of Village Mujawna, P.S.
Manjhagarh, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 147, 148, 149, 504, 506, 323, 324, 307, 379 of the Indian Penal Code, while this Court was inclined to grant privilege of anticipatory bail to the petitioner but what would really come in the way of this Court is that the court below has rightly rejected the prayer for anticipatory bail of the petitioner taking into account that the petitioner, despite being named in the First Information Report, was absconding for a period over two years. If, therefore, the court below has taken a correct approach in law by rejecting the prayer for anticipatory bail of such absconding accused, this Court cannot encourage the same by allowing the prayer for anticipatory bail.

The rest of the submissions of the learned counsel for the petitioner that there is a case and counter case in which the wife of the petitioner was sought to be subjected to outraging the modesty by the prosecution party are good defence which can be definitely taken into consideration by the court below when the petitioner will surrender and make a prayer for regular bail.

It goes without saying that the court below will also take into account that the other co-accused, who had moved in time, were also granted privilege of anticipatory bail.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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