

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46020 of 2015

Arising Out of PS.Case No. -157 Year- 2013 Thana -KATEYA District- GOPALGANJ

- =====
1. Subash Mishra S/o Late Hira Mishra
 2. Punu Mishra S/o Subash Mishra,
Both resident of village- Ramdas Baghi, P.S. Kateya, District-
Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh
For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 304(B), 201, 34 of the Indian Penal Code, this Court would not be inclined to grant privilege of anticipatory bail not because the petitioners are father-in-law and brother-in-law (Devar) but keeping in view their conduct, inasmuch as, they despite being named in the F.I.R. and charge-sheeted, have kept on running away for a period of more than two years in which period they could manage the trial of the husband, son of the petitioner no.1 and brother of the petitioner no.2, get concluded ending in acquittal and, thereafter, now they have come out to say that they should be given privilege of anticipatory bail in view of

the aforesaid acquittal. This Court, in fact, cannot encourage such recent practice wherein the trial of the same occurrence has to be repeated held for all the accused separately only because they remain absenting.

Thus, if the petitioners would surrender, the court below shall consider all the aspects including acquittal of the main accused and pass an appropriate order without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

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