

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44611 of 2015

Arising Out of PS.Case No. -41 Year- 1998 Thana -AWTARNAGAR District- SARAN

Arvind Kumar Rai Son of Rajendra Rai R/o Village Ramgarha, P.S.
Awatarnagar, District Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Smt. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Awatarnagar P. S. Case No. 41 of 1998 registered under Sections
302/34 of the Indian Penal Code as well as Section 27 of the Arms
Act.

According to the prosecution case, the son of the
informant was killed by one Rakesh Kumar Rai, who was being
assisted in committing the offence by co-accused Laxman Rai and
Mithilesh Rai. In course of investigation, complicity of the
petitioner has transpired in the alleged offence. On completion of
investigation, the police submitted charge-sheet in the case on
29.05.2003. The petitioner is evading arrest since beginning and

processes under Sections 82 and 83 Cr.P.C. have already been issued and executed against him and he has been declared absconder in the case.

Learned counsel for the petitioner has submitted that since the informant of the case claims to be an eye witness of the occurrence, there is no scope to even remotely infer involvement of the petitioner in the alleged offence.

Learned counsel for the State has opposed the application filed on behalf of the petitioner under Section 438 of the Code of Criminal Procedure.

Regard being had to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the application is rejected.

(Ashwani Kumar Singh, J.)

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