

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53732 of 2015

Arising Out of PS.Case No. -38 Year- 2014 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

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Mohan Bhagat son of Late Lochi Bhagat, resident of village - Pathuya,
P.S.- Pipariya, District - Lakhisarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate
For the State : Mr. Dr.Rabindra Kumar, APP
For the informant : Mr. Uma Shankar Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-12-2015 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Pipriya P.S.Case No.38 of 2014 registered under Sections 147,
148, 149, 447, 506 and 302 of the Indian Penal Code as well as
Section 27 of the Arms Act.

It is contended that on completion of investigation, the
petitioner was not sent up for trial, but differing with the police
report, the learned Magistrate took cognizance of the offence and
summoned the petitioner without their being any material against
him.

On the other hand, learned counsel for the informant has
contended that even prior to the submission of the final form by
the police two of the co-accused persons were already charge-
sheeted and the court on perusal of the materials available on

record took cognizance of the offence and issued summons against the petitioner along with others. On requisition of the investigating officer, the Court had already issued warrant of arrest against him. Since the petitioner was not co-operating with the investigation and avoiding arrest, a requisition was filed by the investigating officer to declare him an absconder pursuant to which he was declared absconder. Thereafter, attachment order was also issued against him. Even after submission of final form, the Magistrate has opined that there are sufficient materials on record to proceed against the petitioner.

Considering the gravity of the offence and the fact that the petitioner has been declared an absconder and in the light of the law laid down by the Hon'ble Supreme Court in matter of *State of Madhya Pradesh vs. Pradeep Sharma, (2014)2 SCC 171*, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the application for anticipatory bail is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered and disposed of on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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