

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5194 of 2015

Arising Out of PS.Case No. -42 Year- 2009 Thana -AUGARI District- NALANDA
(BIHARSHARIFF)

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Awadh Baba Chauhan Son of Shivbalak Chauhan Resident of vill-
Kasturibigha,P.S-Islampur,Distt.-Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

7 04-09-2015 Since this case has been restored today by a separate

order passed in Cr.Misc.No. 40867/2015 the learned counsel for

the parties have also been heard on merits.

The petitioner facing prosecution for offence under
sections 364, 302, 201/34 of the Indian Penal Code has claimed
for grant of anticipatory bail on the ground that the police initially
had found the case against the petitioner to be not true and also
had submitted a final form, whereafter the learned Magistrate
differing with the police report has taken cognizance against the
petitioner. In this regard he has also relied on the order of this
Court granting anticipatory bail to two other co-accused.

While these grounds could have definitely compelled this
Court to allow the prayer for anticipatory bail of the petitioner but
what would really go against the petitioner is his conduct. The

police had definitely submitted a final form on 30.6.2010 much earlier and the learned Magistrate has also taken cognizance at least on 21.07.2010. There is however no explanation as to why the petitioner had been running away for a period of more than four years before filing this application on 4.2.2015. In this regard it has to be also kept in mind that co-accused Guddu Kumar had made prayer for grant of anticipatory bail way back on 2011 and the same was allowed by this Court by an order dated 26.9.2012 in Cr. Misc. No. 31983 of 2012.

This Court, therefore, is not inclined to grant privilege of anticipatory bail to a person like the petitioner, who was running away and absconding for a period of more than four years.

In that view of the matter, the prayer for anticipatory bail of the petitioner is rejected but then nothing said in this order shall come in the way of the petitioner in surrendering and making a prayer for regular bail which shall be considered and disposed of by the Court below on its own merits without being prejudiced in any manner by anything said in this order.

(Mihir Kumar Jha, J)

surendra/-

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