

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56273 of 2015

Arising Out of PS.Case No. -367 Year- 2004 Thana -NAUGACHIA District- BHAGALPUR

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1. Maheshwar Yadav son of Nemi Yadav, resident of Village- Usmanpur,
Police Station- Kharik (Naugachhia) District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2015

Petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 147, 148,
149, 323, 379, 364 of the Indian Penal Code and Section 27 of
the Arms Act.

The prosecution case is that on 03.10.2000 at
about 6:00 am, the petitioner along with 16 persons armed
with riffle, pistol and Masket surrounded the informant, made
indiscriminate firing and thereafter robbed the properties and
cash kept in the house. It is further alleged that informant and
one Ganesh Yadav were kept in captivity for killing them but on
receiving information that Kharik police is behind them the
accused persons escaped from the place of captivity but Kharik
police did not lodge any case and thereafter on 12.10.2000, a
complaint case being Complaint Case No. 248 of 2000 was filed
which came to be registered as Naugachhia(Kharik O.P.) P.S.
Case No. 367 of 2004 on 07.10.2004.

It is submitted by learned counsel for the petitioner that on conclusion of the investigation the petitioner was not sent up for trial. The final form was submitted on 31.07.2006 but differing with the final form, order of cognizance was passed on 28.02.2013.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the fact that the case was registered in 2000 with specific accusation against the petitioner though petitioner has preferred the present anticipatory application in 2015, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. However, keeping in view of the fact that on conclusion of the investigation the petitioner was not sent up for trial and petitioner having no criminal antecedent, let learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Naugachhia (Kharik O.P.) P.S. Case No. 367 of 2004, pending in the Court of learned Additional Chief Judicial Magistrate, Naugachhia, Bhagalpur.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

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