

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49248 of 2015

Arising Out of PS.Case No. -15 Year- 2005 Thana -PATEPUR District- VAISHALI(HAJIPUR)

Lakshmi Choudhary son of Late Ramashish Choudhary, resident of village-
Chack Harihar Patepur, P.S. - Patepur, District - Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 02-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This is the fifth attempt on behalf of the petitioner for
grant of pre-arrest bail in connection with Patepur P.S. Case No.15
of 2005 registered under sections 420, 467 and 468 of the Indian
Penal Code.

It is contended that on first occasion the application for
grant of anticipatory bail was dismissed by a Bench of this Court
vide order dated 17.5.2010 passed in Cr. Misc. No.33422 of 2009
for want of prosecution. On second occasion the application filed
on behalf of the petitioner for restoration of the aforesaid Cr. Misc.
No.33422 of 2009 was dismissed vide order dated 22.7.2010
passed in Cr. Misc No.26522 of 2010. Thereafter, again an

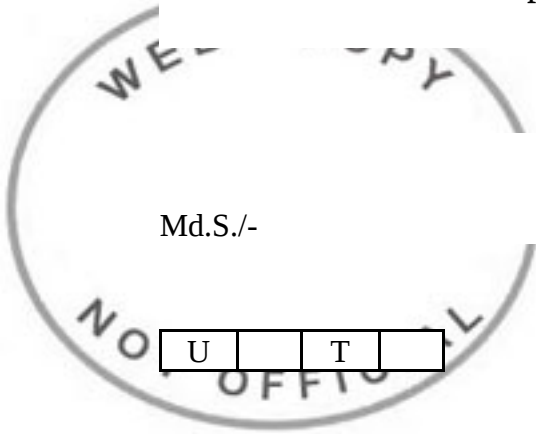


application for grant of anticipatory bail was filed by the petitioner vide Cr. Misc. No.31434 of 2010 which was dismissed as withdrawn after some argument vide order dated 25.8.2010. On fourth occasion also when the petitioner filed Cr. Misc. No.15230 of 2012, the application was dismissed as withdrawn vide order dated 20.6.2012. He submits that at no point of time the application of the petitioner filed under section 438 of the Code of Criminal Procedure was considered on merits. In my view, the submission made by the learned counsel for the petitioner is misconceived.

It would appear from the aforesaid orders dated 25.8.2010 and 20.6.2012 that after some argument when the Court was not convinced to grant anticipatory bail to the petitioner, learned counsel for the petitioner requested to withdraw the application and the applications, vide Cr. Misc. No. 31434 of 2010 and Cr. Misc. No. 15230 of 2010, were dismissed as withdrawn. It would further appear that the matter relates to misappropriation of public fund amounting to Rs.18,90,321.00 for which the FIR was registered in the year 2005 and since then the petitioner is evading arrest.

Taking into consideration the allegations made in the FIR as also conduct of the petitioner, I am not inclined to grant

him anticipatory bail. Accordingly, the application for grant of anticipatory bail is rejected.



Md.S./-

(Ashwani Kumar Singh, J)

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