

Arising Out of PS.Case No. -297 Year- 2004 Thana -TAJPUR District- SAMASTIPUR

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Suneil Kumar Thakur

For the Opposite Party/s : Mr. M.Dayal(App)

4 08-09-2015

Heard learned counsel for the petitioner, learned

counsel for the informant and the State.

The petitioner Jai Ram Chaudhary is apprehending his arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 297 of 2004 registered under sections 364, 365/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegation made in the first information report it has been stated that the petitioner has taken away the brothers Gopal Chaudhary and Saroj Chaudhary brother of the informant on motorcycle who were the harden criminals belonging to the area.

Learned counsel for the informant however has



stated that the petitioner has been named in the first information report as one of the persons who took away the two victims on the motorcycle. Since, the case is of the year 2004 and non-bailable warrant of arrest was issued against the petitioner in the year 2005 itself and thereafter he has remained absconder, therefore, he is not entitled to the benefit of anticipatory bail. Learned counsel for the informant also submits that earlier by an order dated 4.03.2015 two accused Chandra Shekhar Chaudhary and Dippak Kumar Chaudhary were granted anticipatory bail in Cri. Misc. No. 41001 of 2014. Learned counsel for the informant has sought cancellation of the anticipatory bail of the co-accused persons in another application vide Cri. Misc. No. 20081 of 2015. The said application has been filed soon after the order was passed by this Court.

Learned counsel for the State has also perused the case diary and has referred to various paragraphs of the case diary wherein all the independent witnesses have claimed to have seen the petitioner taking away the two brothers on the motorcycle. Learned counsel for the State further submits that all along since the year 2005, the petitioner has been absconding and, therefore, in want of his appearance the matter has been lingering for 11 years.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail of the petitioner. It is accordingly rejected.

(Anjana Mishra, J)

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