

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12011 of 2016**

Arising Out of PS.Case No. -33 Year- 2013 Thana -DERNI District- SARAN

=====

Dikesh Kumar @ Dikesh Kumar Rai, son of Dilip Rai, Resident of Village-  
Jaintypur (Rampur Jainty), P.S.- Dariyapur, District- Saran at present  
Resident of Village Bhetwalia, P.S.- Darni, District- Saran.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr. Anand Prakash, Advocate

For the Opposite Party/s : Mr. P.K.Chaurasia, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2      17-03-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks pre-arrest bail in connection with  
Darni P. S. Case No. 33 of 2013 registered under Sections 302,  
120-B/34 of the Indian Penal Code and Section 27 of the Arms  
Act.

It is contended that though the petitioner is named in  
the FIR, the specific allegation of firing causing injury in the  
chest of Chandeshwar Rai is confined against co-accused  
Sudhir Rai. It is further contended that apart from Sudhir Rai,  
others have already been granted bail by this Court.

On the other hand, learned counsel for the State has contended that the petitioner was made accused in the FIR registered under Sections 302/120-B/34 of the Indian Penal Code and 27 of the Arms Act on 09.05.2013, but he is evading his arrest since long. The other accused persons were either arrested or surrendered before the Court and they are already facing trial and the petitioner has been declared absconder by the Court below.

Regard being had to the gravity of the offence and the other attending circumstances, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for bail is rejected.

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

**(Ashwani Kumar Singh, J.)**

Kanchan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|