

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13216 of 2016

Arising Out of PS.Case No. -6 Year- 2012 Thana -BIHRA District- SAHARSA

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1. Sanjay Sah, Son of Kamal Sah,
2. Vijay Sah, Son of Kamal Sah,
3. Uday Sah Son of Late Laksman Sah
Both are Residents of Village Rampur Itahari, Police Station- Sour Bazar,
(Baijnathpur O.P.) Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh
Mr. Satish Kumar Singh
For the Informant : Mr. Arun Kumar Arun,
Mr. Siya Ram Pandey
For the Opposite Party/s : Mr. M.K. Khare(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Bihra P.S. Case No. 06 of 2012 registered for the offences
punishable under Sections 302, 201 and 120(B) of the Indian
Penal Code.

Earlier case diary of the present case was called for,
which has since been received.

Learned counsel for the petitioners submits that
originally, on completion of investigation, these petitioners has not
been sent up for trial and as such, they were not apprehending
their arrest. Subsequently, after further investigation, petitioners

came under the apprehension of their arrest, as certain protests were made by the informant which resulted in further investigation.

Learned counsel for the Informant submits that these petitioners have been evading their arrest since long and that, on protest and after consideration of the statement of the informant and other witnesses recorded under Section 164 Cr.P.C., charge sheet was submitted on 21.03.2016 against these petitioners declaring them to be absconders and processes under Sections 82 and 83 were also issued.

Learned counsel appearing on behalf of the State submits that on subsequent investigation which was made in pursuance of orders passed by this Court in Cr. Writ No. 43 of 2016, these petitioners were charge sheeted and are now apprehending their arrest.

Considering the nature of allegation made against the petitioners and that they have already been declared absconders and processes under Sections 82 and 83 have been issued against them, I am not inclined to grant anticipatory bail to the petitioners. It is, accordingly, rejected.

However, if the petitioners surrender and seek regular bail within a period of two weeks, the Court below may consider

the regular bail application of the petitioners without being prejudiced by the present order.

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(Anjana Mishra, J)

