

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34857 of 2016

Arising Out of PS.Case No. -68 Year- 2006 Thana -JHANJHARPUR District- MADHUBANI

Mukesh Kumar Jha @ Bambholi Jha Son of Taranand Jha Resident of
Village- Bharam, P.S. Bhairab Asthan, District Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar
Mr. Kaushal Kr. Jha
For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 23-08-2016 Heard Sri Ajay Kumar, learned counsel, who was assisted by Sri Kaushal Kumar Jha, learned counsel for the petitioner and Sri Suresh Prasad Singh, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody only since 26-04-2016 in Jhanjharpur (Bhairab Asthan) P.S. Case No. 68 of 2006 registered for offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that initially the case was registered under Sections 307/34 of the Indian Penal Code, however; subsequently, after the death of the victim, section 302 of the Indian Penal Code was added. He submits

that none had seen the occurrence, only accusation was that the petitioner was seen after the occurrence while fleeing away and on this very ground, he has made a prayer for grant of bail.

Learned Addl. Public Prosecutor opposing the prayer for bail submits that petitioner is the named accused in the F.I.R., which was lodged in the year 2006. He further submits that petitioner's anticipatory bail was rejected long back in the year 2007, even then, he did not surrender nor he could be arrested and recently, in the year 2016 itself, he has surrendered.

On perusal of the impugned order, it appears that in the year 2009 itself, charge-sheet was submitted against the petitioner showing him as absconder.

In view of the fact that petitioner remained absconding for a long period as well as the fact that petitioner was named in the F.I.R. in a case registered under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act, I do not find any ground to extend the privilege of bail.

Dismissed.

(Rakesh Kumar, J.)

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