

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45001 of 2015

Arising Out of PS.Case No. -149 Year- 2015 Thana -PUPRI District- SITAMARHI

1. Nagendra Rai S/O Ram Narayan Rai, Resident of village- Jalalpur Baigari, P.S.- Pupri, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
Mr. Sanjay Kumar, Advocate
For the State : Mr. Awadhesh Kr.Singh(App)
For the informant : Mr. Ashhar Mustafa, Advocate
Mr. Murad Ashraf, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

7 04-05-2016 Heard learned Counsel for the petitioner,
learned Counsel representing the informant and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Pupri Police Station Case No. 149 of 2015,
disclosing offence under Section 302/34 of the Indian Penal
Code.

Learned Counsel for the petitioner has
submitted that there is no material to corroborate the
allegation that the petitioner had administered poison,
leading to the death of the deceased.

Learned Counsel appearing on behalf of the

informant has relied on a Supreme Court’s decision, in the case of **Lavesh v. State (NCT of Delhi)**, reported in **(2012) 8 SCC 730**, to contend that since the petitioner has been declared absconder, this application for anticipatory bail may not be entertained.

It is an admitted fact that after issuance of warrant of arrest, processes have already been issued under Sections 82 and 83 of the Code of Criminal Procedure, 1973.

Learned Counsel for the informant is right in his submission, while placing reliance on the aforesaid decision of the Supreme Court.

This application is, accordingly, rejected.

The petitioner, Nagendra Rai, is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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