

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20845 of 2016

Arising Out of PS.Case No. -94 Year- 2015 Thana -KANHAULI District- SITAMARHI

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1. Hari Kishore Rai S/O Bahadur Rai, Resident of village- Riga Tole Ram Nagar, P.S.- Riga, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 19-07-2016

Heard both sides.

The petitioner apprehends his arrest in Kanhauli P.S. case No. 94 of 2015 under Section 224, 353 of the Indian Penal Code.

The petitioner was in custody in connection with Kanhauli P.S. case No. 93 of 2015 but he fled away from custody and for that the present case was registered.

It is submitted that Section 224 of the IPC is bailable and no offence under Section 353 of the IPC is made out.

Considering the fact that the petitioner fled away from custody and he has got criminal antecedent, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., Sri P.K. Lal, learned Judicial Magistrate, 1st class, Sitamarhi, in Kanhauli P.S. case No. 94 of 2015, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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