

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6452 of 2016

Arising Out of PS.Case No. -1001 Year- 2007 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Upendra Kumar Mishra S/o Late Birendra Kumar Mishra R/o Dandasapur,
P.S.- Janta Bazar, Distt.- Chhapra (Saran), Presently Residing- In Tanki
Road, P.S.- Badarpur, Delhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Singh S/o- Sri Ajay Kumar Singh R/o Village- Lodipur,
P.S.- Karpi, District- Jahanabad

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr. Shubhesh Pandey, Advocate
For the State : Mr. Umesh Lal Verma (App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 05-08-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with
Protest-cum-Complaint Case No. 1001 (C) 2007 arising out of
Paliganj P.S. Case No. 95 of 2000 for the offences registered
under Sections 302 and 201/34 of the Indian Penal Code.

Case diary was called for which has since been
received. The allegation against the petitioner is that while he was
posted at the police picket, two persons were taken into custody,
who were subsequently found dead in a *Nala*.

It is submitted by the learned counsel for the

petitioner that earlier the case was found false but subsequently in the year 2007, a protest-cum-complaint petition was filed and thereafter after due enquiry, the learned Magistrate took cognizance of the offence in the year 2000. The petitioner has been evading the process of court since year 2002 and it is already year 2016, and trial has been delayed unusually for so many years on account of absence of the petitioner from the trial.

Further, the post-mortem report also reveals that there were several injuries on the person of the deceased, Shashi Kapoor who is alleged to have died in custody at the police picket.

Considering the entire facts and circumstances of the case and the materials which have surfaced in the case diary, I am not inclined to grant anticipatory bail to the petitioner and it is accordingly rejected.

(Anjana Mishra, J)

sushma/-

U		T	
---	--	---	--