

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 28431 of 2016

Arising Out of PS.Case No. -63 Year- 2011 Thana -JOGBANI District- ARRARIA

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Feroz @ Md. Firoz Alam, son of Sahayat @ Md. Sadre Alam, Resident of
Village- Amouna, P.S.- Jogbani, Dist- Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. B.R. Chauhan, Assistant Commandant 24th Batalian S.S.B, P.S.
Bathnaha, (O.P.) Dist Araria.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Gopesh Kumar, A.P.P.
Mr. R.K.Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-07-2016 Heard Sri Ramesh Kumar Singh, learned counsel for
the petitioner, Sri Gopesh Kumar, learned Addl. Public Prosecutor
as well as Sri Ravindra Kr. Sharma, learned Central Govt.
Counsel.

The petitioner has approached this Court with a prayer
to extend the privilege of anticipatory bail in Jogbani (Bathnaha)
P.S. Case No. 63 of 2011, arising out of G.R. Case No. 1483 of
2011 registered for offence under Section 379 of the Indian Penal
Code.

It was submitted by learned counsel for the petitioner
that F.I.R. was lodged against unknown and subsequently, the
petitioner was falsely implicated in the present case on the
strength that one constable of S.S.B. had produced two stolen solar
battery and stated that it was provided by the petitioner. It was

further submitted by learned counsel for the petitioner that one of the co-accused has been extended the privilege of anticipatory bail by a Bench of this Court, vide Cr. Misc. No. 27080 of 2016. On this very ground, it has been argued that petitioner deserves to be enlarged on anticipatory bail, whereas, Sri Sharma, learned Central Govt. Counsel opposing the prayer for anticipatory bail submits that the F.I.R. was lodged long back in the year 2011 and after thorough investigation, chargesheet was submitted in the year 2012 and since then, the petitioner is evading his arrest.

Besides hearing, I have also perused the materials available on record. This Court is of the opinion that in a case, in which, after thorough investigation, chargesheet is submitted against an accused, normally, anticipatory bail petition may not be entertained. The purpose for granting anticipatory bail is to ensure that in case of apprehension of arrest/surrender, one can be extended the privilege of anticipatory bail, but once chargesheet is submitted on the basis of specific accusation, there is no point for entertaining the petition for anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J.)

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