

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42260 of 2016

Arising Out of PS.Case No. -129 Year- 2006 Thana -GHOSI District- JEHANABAD

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1. Abhay Prasad @ Abhay Singh S/o Baban Sharma Resident of Village -
Kokarsa, P.S. Hulasganj, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 05-10-2016

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Ghoshi (Hulasganj) Police Station Case No.
129 of 2006, disclosing offences under Sections
307/302/201/34 of the Indian Penal Code and Section 27 of
the Arms Act, 1959.

Learned Counsel appearing on behalf of the
petitioner has submitted that the Police, upon completion of
investigation, had submitted a report showing that the
petitioner as not involved in commission of offence.
However, in course of trial, on the basis of evidence
adduced, the petitioner was summoned under Section 319
of the Code of Criminal Procedure, 1973. The said notice
was issued in the year 2009. It also transpires that the

petitioner has, subsequently, been declared absconder.

Since the petitioner has been declared absconder in the said case, this application for anticipatory bail cannot be entertained, in the light of the Supreme Court's decision, in the case of **Lavesh vs. State (NCT of Delhi)**, reported in **(2012) 8 SCC 730**. Learned Counsel for the petitioner has assured that henceforth, the petitioner shall regularly appear before the Court below as and when required.

Considering the above submission, it is directed that if the petitioner appears before the Court below within a period of four weeks from today and seeks regular bail, his application shall be considered on its own merits without being prejudiced by the present order.

The Court below, while considering the petitioner's application for regular bail, may also consider the assurance/undertaking which is being given to this Court on behalf of the petitioner that he shall appear on each and every date before the Court below at the trial.

This application stands accordingly disposed of.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

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