

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12173 of 2016

Arising Out of PS.Case No. -544 Year- 2013 Thana -SAUR BAZAR District- SAHARSA

1. Suresh Yadav S/o Saryug Yadav @ Jhingar Yadav, R/o Village- Sakhua,
P.S.- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

3 22-06-2016

The certified copy of the First Information Report of Sour Bazaar Police Station Case No. 544 of 2013 has been filed on behalf of the petitioner, let the same be kept on record.

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

This application, for grant of anticipatory bail, arises out of Sour Bazaar Police Station Case No. 544 of 2013, disclosing offences under Sections 379, 384/34 of the Indian Penal Code.

The First Information Report was lodged in the year 2013 and the petitioner is named in the First Information Report. It transpires from the records that he

evaded his arrest and for the first time, he took steps for grant of anticipatory bail in the year 2016. It further transpires that the petitioner has criminal antecedent, as disclosed in paragraph 3 of the application.

Learned Counsel for the petitioner has submitted that criminal antecedent of the petitioner may not be taken into account for the purpose of consideration of the present anticipatory bail application as those cases were instituted more than 12 years before the registration of the present First Information Report.

However, I find that earlier also, the petitioner was made accused in a case under Section 379 of the Indian Penal Code. Subsequently, one case under the provisions of the Arms Act, 1959, was also lodged against him.

Considering the fact that the petitioner has criminal antecedent, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application for anticipatory bail, is hereby, rejected.

The petitioner, Suresh Yadav, 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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