

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22853 of 2017

Arising Out of PS.Case No. -162 Year- 2009 Thana -BAKHTIYARPUR District- PATNA

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Surendra Rai Son of Yogi Rai, Resident of Village- Chiraiya, Harnahia, P.S.
Bakhtiyarpur, District- Patna. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Om Nath Singh

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-07-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with
Bakhtiyarpur P.S. Case No. 162 of 2009 registered for the
offences punishable under Sections 147, 148, 149, 324 and 307 of
the Indian Penal Code in which Section 302 IPC was added later
on and Section 27 of the Arms act.

This case is of the year 2009 and the petitioner is named
in the first information report. The case is under Section 302 and
other allied Sections of the Indian Penal Code. Other co-accused
have faced trial and were convicted by the learned trial court but
have been acquitted in criminal appeals by this Hon'ble Court vide
judgment dated 02.03.2016.

Submission is of false implication and that as the case
has been found not true against other co-accused, the petitioner



deserves sympathetic consideration. The allegation of firing is also not against the petitioner and the petitioner is only the member of mob. The Police has not proceeded against him resulting he was not apprehended nor he has surrendered.

Learned APP opposes the prayer of pre-arrest bail by submitting that the petitioner has remained absconding since long and as such he does not deserve sympathetic consideration.

In the facts and circumstances stated above, considering the period of abscondance, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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