

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24668 of 2017

Arising Out of PS.Case No. -1645 Year- 2015 Thana -COMPLAINT CASE District- BANKA

=====

Bachchu Prasad Yadav @ Bachu Prasad Yadav, son of Late Tilak Prasad Yadav, resident of Village- Biyahi, Chandan, P.S.- Chandan, District- Banka.

.... Petitioner

Versus

1. The State of Bihar.
2. Sri Kanth Mahto, S/o Late Kelu Mahto, resident of Village- Biyahi, Chandan, P.S.- Chandan, District- Banka.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Smt. Veena Rani Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 12-06-2017 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is seeking Anticipatory Bail in connection with Complaint Case No. 1645/2015 for offences registered under Section 195, 196, 182, 211, 203 of the Indian Penal Code.

The petitioner is being prosecuted for the offences alleged under Section 195 and 203 of the Indian Penal Code reveals that this petitioner filed Chandan P.S. Case No. 68 of 2000 under Sections 147, 148, 384, 461, 379, 504, 427, 323 of the Indian Penal Code against the present complainant. After completion of investigation, police submitted final form saying that the sufficient



materials were not found to prosecute the accused/opposite party no. 2; however, petitioner filed protest petition and on his protest a Complaint Case was registered and the same was proceeded with. The present complainant/opposite party no. 2 was involved in the said case for about 15 years. However, in course of trial, when petitioner was summoned as a witness, despite coercive steps taken against him, he did not turn up to cooperate in trial leading to acquittal of opposite party no. 2. The complainant, in the present case, has now filed this case for false accusation against him and has also brought a title suit for damage.

Learned counsel for the petitioner would submit that petitioner though had knowledge of the trial but could not appear. He, however, could not place any cogent reason for not appearing in the trial court. In the opinion of this court, the petitioner having taken up the prosecution against the present complainant/opposite party no. 2 was involved in the abuse of the process of the court. Although, the learned counsel for the petitioner would submit that he is aged about 75 years.

Learned Additional Public Prosecutor opposed the prayer. Considering the fact that petitioner prosecuted



the present complainant/opposite party no. 2 for about 15 years and then did not appear in trial even after coercive steps had been taken against him by the trial court, this Court is of the opinion that it is a case of abuse of the process of the court by the present petitioner. Hence, he does not deserve any sympathy.

The prayer for Anticipatory Bail is rejected. If the petitioner surrenders in the Court below and prays for Regular Bail, his application may be considered by the Court below on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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

