

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4192 of 2017

Arising Out of PS.Case No. -556 Year- 2007 Thana -LAKHISARAI District- LAKHISARAI

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1. Mukesh Kumar @ Popawa, S/o Late Shyam Kishore Singh, Resident of
Village - Babhagawan, P.s. - Lakhisarai, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 27-03-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Lakhisarai Police Station Case No. 556 of 2007/ G.R. No.
1350 of 2007, disclosing offences under Sections 302, 201 and
34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
the petitioner, who is of clean antecedent, has falsely been
implicated in this case due to village politics. In fact, the
petitioner has been made accused in this case merely on the
basis of suspicion. Neither any witnesses have supported the
prosecution version nor the police after investigation has found
the case to be true. Hence, the petitioner deserves the privilege



of anticipatory bail.

Learned A.P.P. for the state has opposed the prayer for bail and submitted that earlier also the prayer for anticipatory bail of this petitioner had been rejected vide Cr. Misc. No. 18846 of 2008 and again the similar prayer for anticipatory bail has been moved before this Court after lapse of 8 years. In fact, initially cognizance was taken under Sections 302, 301 and 34 of the I.P.C against the petitioner and others. Subsequently, in compliance of the order dated 10.07.2015 passed by the District & Sessions Judge, Lakhisarai in Cr. Rev. No. 20 of 2014, learned C.J.M., Lakhisarai has taken cognizance under Sections 302, 201 & 34 of the I.P.C. against the petitioner on 05.11.2015. In the aforesaid background, the petitioner, who is still in apprehension of his arrest, may not be granted the privilege of anticipatory bail.

Considering the facts and circumstances of the case, this Court is not inclined to entertain this application seeking anticipatory bail. Accordingly, the prayer for anticipatory bail of this petitioner is, hereby, rejected.

(Arvind Srivastava, J.)

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