

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20870 of 2017

Arising Out of PS.Case No. -124 Year- 2015 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Suresh Singh, S/o late Arjun Singh, resident of Village- Kendui, P.S.-
Magadh Medical, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

3 13-06-2017 Heard learned counsels for the petitioner and the

State.

The petitioner apprehends his arrest in connection
with Magadh Medical P. S. Case No. 124 of 2015 instituted under
Sections 224, 225, 307, 323, 337, 325 and 353/34 of the Indian
Penal Code.

The allegation, in brief, is that the police team went to
the house of the petitioner in connection with execution of warrant
issued against him in a case in which he was declared absconder,
accordingly apprehended him but family members, with other co-
accused persons, started assaulting the police personnel causing
injury to them. In the meanwhile, the petitioner also escaped from
the custody of the police.

Learned counsel for the petitioner submits that in fact
in the said case, the petitioner was not absconder because after



taking cognizance no process was issued for his appearance, later on he was declared absconder by the Court. Subsequently, the said order was challenged by filing a revision before the court of Sessions but at the time of occurrence the said revision application was pending and this petitioner had not participated in the assault to the police.

Learned A.P.P. opposes the prayer for bail and submits that all the family members to get the petitioner released from the police custody, assaulted the police personnels and succeeded in getting the petitioner out of the clutch of the police custody and the impugned order shows that some injuries were also sustained by the police personnels.

Having considered the aforesaid facts and circumstances and the nature of offence, I am not inclined to admit the petitioner on anticipatory bail.

Accordingly, prayer for anticipatory bail of the petitioner is rejected.

However, if petitioner surrenders and prays for regular bail before the court below, the same shall be considered on its own merits without being prejudiced by the present order.

(Arun Kumar, J)

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