

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45906 of 2017**

Arising Out of PS.Case No. -44 Year- 2016 Thana -PAKRIDAYAL District-  
EASTCHAMPARAN(MOTIHARI)

=====

1. Dilip Kumar @ Dilip Kumar Singh Son of Rajendra Prasad, resident of  
Village- Khemaipatti, P.S.-Minapur, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2      02-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Pakridayal P.S. Case  
No. 44 of 2016 instituted for the offence under Sections-302, 120(B)/34  
of the Indian Penal Code and 27 of the Arms 2016.

It is alleged in the written report by the informant that he  
heard the sound of cry of his brother in the lichi bagan and he saw this  
petitioner along with another accused Rajdeo Bhagat running away and  
when the informant and villagers followed them, they fired on the  
informant. The informant went in the orchard and brought down his  
brother and found him dead. It is further alleged that the informant  
found one person hiding nearby behind the tree who disclosed his name  
as Chandan Kumar and he disclosed the name of this petitioner and  
Arun Bhagat, a person who had fled away.

The learned Sessions Judge has mentioned in the impugned



order that his prayer for anticipatory bail was earlier rejected and thereafter, he has again filed anticipatory bail for the purpose of taking benefit of the statement of witnesses recorded in the trial of other co-accused persons against whom, charge sheet has been submitted.

In such circumstances, this court finds that there is specific allegation against this petitioner in the written report itself. The petitioner has been absconding and as such, investigation against the petitioner is still pending. Therefore, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail stands rejected.

The petitioner is directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit without being prejudiced by this order.

**(Sanjay Priya, J)**

A.K.V./-

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