

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17220 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -MEHDIGANJ District- PATNA

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Baijnath Prasad, Son of Late Ramdeo Prasad, resident of Mohalla- Deep
Nagar Colony, Road No. 5, P.S. Mehandiganj, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate.

For the Opposite Party : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 17-04-2017 The applicant apprehends his arrest in a case registered

vide Mehandiganj P.S. Case No. 02 of 2017 for various offences

under Sections 293, 294, 354, 436, 385, 504 and 34 of the Indian

Penal Code, pending in the court of Additional Chief Judicial

Magistrate, Patna City, Patna.

The applicant herein, Baijnath Prasad, had earlier filed
an application under Section 438 Cr. P.C. before the learned
Sessions Judge, Patna, in A.B.P. No. 490 of 2017 and the order
rejecting his bail on 20.02.2017 goes to show that except
contending that there was delay in lodging of the F.I.R., no other
evidences were available on the contrary after taking note of the
statement of the witnesses examined during the investigation
supporting the allegations made by the informant, anticipatory bail



application of the applicant was dismissed and he was directed to surrender before the court below and seek regular bail. Even though the order was passed on 20.02.2017 and about two months are going to over but it seems that the applicant has neither surrendered nor made any step for seeking regular bail.

Taking note of the reasons that the learned Sessions Judge has rejected bail of the applicant, the material available on record based on the statement of the witnesses recorded at the time of investigation, we see no reason to make indulgence in the matter for grant of anticipatory bail to the applicant Baijnath Prasad. Accordingly, this application for grant of anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in the court below then the court below shall consider the bail application of the petitioner and pass appropriate order within reasonable time without being influenced by dismissal of this application.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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