

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16846 of 2017

Arising Out of PS.Case No. -548 Year- 1995 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Mritunjay Kumar Son of Upendra Prasad Singh, resident of village -
Katari, P.S. Korma, District - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-04-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with
Kotwali P.S.Case No.548 of 1995 (G.R.No.2404 of 1995)
registered for offences punishable under Sections 341, 323, 307
and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is for the offences under
Section 307 and other Sections of the Indian Penal Code, however,
it appears that this is a case of the year, 1995 and the petitioner
was declared absconder and after almost 21 years, the petitioner
has come before this Court for grant of anticipatory bail.

It is submitted on behalf of the petitioner that there is no
execution of warrant of arrest either bailable or non-bailable
against him and even he had no knowledge about the proceedings



under Section 82 and 83 of the Criminal Procedure Code, as such he could not surrender in this case.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and considering the fact that he is absconder in this case, I am not inclined to grant bail to the, however, the petitioner is directed to surrender before the learned court below within a period of six weeks and make prayer for regular bail, which will be considered by the learned court below and the learned court below will examine the records as to whether there was any execution of warrant of arrest either bailable or non-bailable against the petitioner and if the execution reports are found there, the learned court below will pass any other order or orders, which he may deem fit, however, if in case, report is not available and without the same, petitioner has been declared absconder, he will pass order in favour of the petitioner.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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