

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39989 of 2018

Arising Out of PS.Case No. -117 Year- 2002 Thana -CHATAUNI District-
EASTCHAMPARAN(MOTIHARI)

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Shashibhushan Rai @ Gappu Rai, Son of Late Sahdeo Rai, Resident of
Village- Radhia, P.S.- Gobindganj, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Sr. Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 11-07-2018 Heard Mr. P.K. Shahi, the learned senior counsel,
appearing on behalf of the petitioner and the learned A.P.P.

The petitioner apprehends his arrest in Chhatauni P.S.
Case No. 117/2002, registered for the offences punishable under
Sections 302, 120(B) and 34 of the Indian Penal Code.

The learned senior counsel appearing on behalf of the
petitioner submits that the anticipatory bail petition of the
petitioner was firstly rejected on 25.04.2005 vide order passed in
Cr. Misc. No. 39991 of 2004. The petitioner again filed
anticipatory bail petitions vide Cr. Misc. Nos. 28701 of 2005,
12896 of 2009 and 45006 of 2011 but all the anticipatory bail
petitions of the petitioner were rejected. It is submitted that the



petitioner was not present on the place of occurrence and the police also found that the petitioner was not present and submitted final form and did not forward the petitioner for trial.

The learned A.P.P., on the other hand, submitted that petitioner kept on filing anticipatory bail petitions in this court and this is his 5th attempt. During the course of investigation many prosecution witnesses had very definitely stated about active participation of the petitioner in the crime and taking note of this fact the learned Judicial Magistrate had differed with the conclusion of the Investigating Officer and took cognizance.

Considering the fact that prayer of petitioner for anticipatory bail was earlier rejected earlier on four times but again the petitioner after 16 years from the date of occurrence filed this anticipatory bail petition, I do not find any reason to reconsider the prayer of petitioner for anticipatory bail. Accordingly, the same is rejected.

The learned court below is directed to take all steps for appearance of the accused, who is absconding for last 16 years.

(Prabhat Kumar Jha, J)

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