

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8763 of 2018

Arising Out of PS.Case No. -154 Year- 2016 Thana -HATHUA District- GOPALGANJ

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Guddu Rai @ Amresh Rai @ Amresh Kr. Rai @ Guddu Rai Son of Late
Gorakh Rai, Resident of Village-Semrao, P.S. Mirganj, District-Gopalganj.
.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satish Kumar

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 20-02-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in relation to Hathuwa P.S. Case No. 154/2016 registered under Sections 302, 120(B) of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Gopalganj.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and has been involved in this case only on mere suspicion. It is further submitted that co-accused Abhishek Kumar has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 48470/2017.

On the other hand, learned Additional Public



Prosecutor for the State opposes the prayer for anticipatory bail of the petitioner and submits that this case was lodged on 10.08.2016, the petitioner has moved this Court after 1½ years for anticipatory bail, and the learned Sessions Judge, Gopalganj, while rejecting his prayer for bail, has taken note of the fact that this petitioner had warned the deceased to either keep himself aloof from the landed property which was in litigation or to face dire consequence. It is submitted that this petitioner has got as many as 11 cases of serious nature under Sections 302, 394 and 395 of the Indian Penal Code and Arms Act etc.

Learned Additional Public Prosecutor for the State while opposing the prayer for bail has pointed out that it is not a fit case for grant of anticipatory bail.

Considering the facts and circumstances of the case particularly, at this stage, learned counsel for the petitioner claims that the petitioner has been acquitted in all the 11 cases, however, from the application, the statement of learned counsel for the petitioner is not substantiated. In paragraph 3, it is stated that petitioner has been involved in the cases mentioned therein and details of all the 11 cases are mentioned without any statement that



he has been acquitted in those cases, this being the criminal antecedent of the petitioner and the fact that petitioner has not surrendered in the case for 1½ years now, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and this application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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