

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24749 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 S/o Gorakh Rai, aged about 45 Years, R/o Vill.- Semrao, P.S.- Mirganj, District-Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 25-04-2018 Heard Sri P.K. Shahi, learned senior counsel
for the petitioner and learned Additional Public Prosecutor
for the State.

The petitioner apprehends his arrest in connection with Hathua P.S. Case No. 154/2016 registered under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

This anticipatory bail application has been preferred by way of second attempt. Earlier, the prayer for anticipatory bail of the petitioner was rejected taking note of the fact that he had 11 cases on his head and even though a statement was made at the bar that he had been acquitted in all the 11 cases, there is no statement to that effect in the application. Further, it was noted that the petitioner had not surrendered in the case for 1 ½ years and therefore this court



was not inclined to grant anticipatory bail to the petitioner.

While rejecting the prayer for anticipatory bail of the petitioner, the submission of learned Additional Public Prosecutor based on the observations of learned Sessions Judge in the impugned order was also taken note of.

Mr. P.K. Shahi, learned senior counsel representing the petitioner has attempted to impress upon this court that so far as 11 cases which were taken note of by this court earlier are concerned, in all those cases the petitioner has been acquitted and now this fact has been brought on record by way of statement made in this application itself. As regards the another point which was noted by this court that the petitioner had not surrendered for 1 ½ years, learned senior counsel has a submission that in this case the investigation is still going on and therefore his not surrendering for 1 ½ years will not be of much importance.

On the other hand, learned A.P.P. representing the State submits that even though the petitioner is said to have been acquitted in all the 11 cases giving him benefit of doubts in want of evidence, the fact that he has not surrendered over a period of 1 ½ years and the observations of learned Sessions Judge in the impugned order that some



materials have come in the case diary whereunder this petitioner is said to have warned the deceased to keep himself aloof otherwise he will have to face dire consequences would not entitled the petitioner for grant of anticipatory bail.

Having heard learned senior counsel and learned A.P.P. for the State, I am not inclined to grant anticipatory bail to the petitioner considering the fact that the case is still under investigation and some materials have transpired against the petitioner also in course of investigation as has been taken note of in the impugned order by the learned Sessions Judge. The petitioner, if so advised, may surrender within a period of four weeks from today and on his surrender in the court below, if he prays for regular bail, the same shall be considered on its own merit keeping in mind the materials collected by the investigating officer which will be made available to the learned court below by the investigating officer.

With the aforesaid observation, this application is disposed off.

(Rajeev Ranjan Prasad, J.)

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