

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54584 of 2018

Arising Out of PS. Case No.-52 Year-2004 Thana- NARPATGANJ District- Araria

Manbodh Yadav S/o Bechan Yadav, R/o Vill.- Koshakapur, P.S.- Narpatganj,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner. No one appears on behalf of the State.

The petitioner in the present case is seeking anticipatory bail in connection with Narpatganj P. S. Case No. 52 of 2004 registered for the offences punishable under Sections 147, 148, 149, 379, 307, 504 and 354 of the Indian Penal Code, Section 27 of the Arms Act and Sections 33/41 of the Indian Forest Act.

Learned counsel for the petitioner submits that in this case the petitioner was not aware of the on going proceeding and therefore, he could not appear in the court below after the cognizance was taken and summons/warrant were issued against them. Learned counsel relied upon two orders of the learned co-ordinate Bench of this Court in Cr. Misc. No. 41054 of 2016 and



Cr. Misc. No. 3176 of 2017 to submit that the co-accused have been granted privilege of anticipatory bail in the present case.

No one appeared on behalf of the State.

This Court finds from the record particularly from the impugned order of learned Sessions Judge that in the present case the charge-sheet was submitted by the I. O. on 09.09.2005 and the learned C.J.M. took cognizance of the offence on 11.11.2005 and thereafter, summons, warrant of arrest and processes were issued against the accused but they remained evading their arrest.

Under these conditions where this Court finds that this petitioner was absconding for about 13 years and has not appeared in the court below despite issuance of summons, warrant of arrest and processes, he cannot be given the benefit of pre-arrest bail. So far as orders of the learned co-ordinate Bench of this Court on which reliance has been placed are concerned, this Court finds that the learned co-ordinate Bench were given to understand that the warrant of arrest has been issued in the case on 03.03.2016.

This Court is not persuaded to extend the benefit of anticipatory bail to the petitioner in a case in which he is absconding for about 12 years or more.



This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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