

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3339 of 2018

Arising Out of PS.Case No. -225 Year- 2015 Thana -LAXMIPUR District- JAMUI

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1. Pappu Das @ Pappu Ravidas @ Pappu Kumar, Son of Shankar Ravidas,
resident of Vill.- Seva, P.S. Laxmipur (Gidhaur), District- Jamui.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, advocate

For the Respondent/s : Mrs. Smt Usha Kumari No-1, Spl. P.P

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 31-10-2018

Heard both sides.

The prayer of appellant for anticipatory bail was earlier rejected by this court vide order dated 28.06.2016 passed in Cr. Misc. No. 14935 of 2016.

Mr. Pramod Kumar Singh, the learned counsel for the appellant, submits that only material against the appellant that has collected during the course of investigation that his name figured in the confessional statement of co-accused from whose possession mobile of the deceased was recovered. It is further submitted that similarly situated accused Anil Das @ Anil Kumar Das has already been granted anticipatory bail vide order dated 10.04.2018 passed in Cr. Appeal (SJ) No. 882 of 2018. Co-accused Gunjri Devi and Luwa Yadav, who were put on trial vide Sessions Trial No. 159 of 2016, have already been acquitted on



account of lack of evidence and on these facts the appellant deserves anticipatory bail but I find that the case is of very serious nature registered under Section 302 and other Sections of the IPC. The name of appellant figured in the case on the basis of confessional statement of co-accused from whose possession mobile of the deceased was recovered. The prayer of appellant for anticipatory bail was rejected on 28.06.2016 but the appellant did not surrender in the court below for more than two years and remained absconding.

In this view of the fact, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the same is rejected.

If the appellant surrenders in the court below, i.e., the learned 1st Additional Sessions Judge, Jamui in Laxmipur (Gidhaur) P.S. case No. 225 of 2015, and pray for regular bail, the learned court below shall consider the prayer of the appellant for regular bail on its own merit and taking into consideration the facts that other accused persons have already been acquitted and without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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