

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41275 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- HALSI District- Lakhisarai

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1. Navin Singh, Son of Late Baldeo Singh,
 2. Anil Singh @ Anil Kumar Singh, Son of Late Baldeo Singh,
Both are resident of Village- Baghaur, Police Station- Halsi,
District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Smt. Sahin Begam

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-08-2018 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

Petitioners apprehend their arrest in Halsi P.S. case no. 39 of 2018 instituted for the offence under Section(s) 147,148,149, 341, 323, 307, 440 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners has submitted that there is specific allegation of causing fire arm injury to the brother of the informant against co accused Vikesh Kumar. Petitioner no.1, namely, Navin Singh is alleged to have assaulted the brother of the informant with butt of the pistol on head with co- accused Suvin Kumar. There is no allegation of specific overt act against petitioner no.2, namely, Anil Singh @ Anil Kumar Singh. Learned counsel for the petitioners has further submitted that co accused, namely Sunil



Kumar and Subin Kumar, have been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 17.7.2018 passed in Cr. Misc. Nos. 35357 of 2018 and analogous cases.

Learned counsel for the informant has filed a counter affidavit stating therein that police has arrested petitioner no.2 but with the help of his inmates he fled away from the confinement of the police. The S.I. of police has lodged case for the aforesaid running away of petitioner no.2 from the police confinement vide Halsi P.S. case no. 40/18.

The F.I.R. of the aforesaid case has been enclosed with the counter affidavit as Annexure-A. Learned counsel for the informant has further submitted that petitioner no.2 does not deserve the privilege of anticipatory bail as he has fled away from the confinement of the police as would appear from F.I.R. of Halsi P.S. case no. 40/18. Learned counsel has further submitted that there are three criminal cases pending against petitioner no.1. He is committing crime after grant of bail. Therefore, he too does not deserve anticipatory bail. In this regard, he has relied on the judgment reported in **2004 SCC (cri) 1067 (Ramesh Kumar Singh vs. Jhabbar Singh & Ors)** wherein the Hon'ble Apex court has held that accused who misutilized the liberty granted to him earlier was not entitled to the privilege of being released on bail.

There is specific allegation against petitioner no.1, namely, Navin Singh of assaulting the brother of the informant with butt of



the pistol. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Prayer for anticipatory bail of the petitioners stand rejected.

Petitioners may surrender before the Court below and make prayer for regular bail which shall be considered and disposed off on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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