

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67808 of 2018

Arising Out of PS. Case No.-2 Year-2003 Thana- CHANPATIA District- West Champaran

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Madan Manjhi, S/o Late Bansi Manjhi, resident of Vill.- Musahar Toli,
Kharg Pokhariya, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-12-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,342,323,452,380,302 and 427 of the IPC, Section 27 of the Arms Act and Sections 3 and 4 of Explosive Substances Act.

The prosecution case is that on 1.1.2003 at about 7.15 P.M., the informant along with his brother and nephew was sitting at his door, in the meantime, the FIR named accused persons came with deadly weapons, robbed the articles and killed the brother of the informant. Though the petitioner was not named in the FIR but his name sprang up during investigation but ultimately, he was not sent up for trial. Now the petitioner has been summoned in exercise of jurisdiction



under Section 319 of Cr.P.C. by the learned trial court vide order dated 10.8.2005.

It appears from the impugned order that the petitioner chose not to appear, as a result the trial of other accused was split up and vide order dated 12.3.2018 the petitioner was declared absconder.

In the circumstances, after fifteen years of issuance of summons, this Court is not inclined to grant anticipatory bail to the petitioner. However, let the learned court below consider the prayer of the petitioner for regular bail without being prejudiced by this order and keeping in view of the fact that the petitioner has been summoned in exercise of jurisdiction under Section 319 of Cr.P.C. and was earlier not sent up for trial, in case the petitioner surrenders within four weeks in connection with Chanpatia P.S. Case No. 2 of 2003 pending in the Court of the learned CJM, West Champaran, Bettiah.

With the aforesaid observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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