

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6082 of 2019

Arising Out of PS. Case No.-128 Year-2016 Thana- PANDARAK District- Patna

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Dular Yadav @ Ram Dular Prasad, Son of Late Sitaram Rai, Resident of
Village - Gopkita, P.S.- Pandarak, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-02-2019 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Pandarak Police Station Case No. 128 of 2016,
disclosing offences under Sections 302 and 34 of the Indian
Penal Code.

For two main reasons, I am not inclined to
entertain this application for anticipatory bail.

There is allegation in the First Information Report
that the deceased had gone to the petitioner's place and
allegedly he was assaulted by the petitioner on the charge that
he had committed theft. Since a case punishable under Section
302 of the Indian Penal Code is made out, in view of the



Supreme Court's decision in the case of **Jai Prakash Singh v. State of Bihar and Another**, reported in **(2012) 4 SCC 379**, the petitioner cannot be given privilege of anticipatory bail.

Secondly, the First Information Report was registered in 2016 and it appears from the order passed by learned Additional Sessions Judge – III, Barh, that the petitioner started taking steps for grant of anticipatory bail nearly two years thereafter, in 2018.

Learned Counsel appearing on behalf of the petitioner has relied on an order, dated 13.02.2018, passed in Criminal Misc. No. 60476 of 2017, whereby co-accused, Pramod Yadav, has been granted anticipatory bail.

On perusal of the First Information Report, I find that the case of the petitioner and said Pramod Yadav is clearly distinguishable.

In any view of the matter, said Pramod Yadav had approached this Court in 2017 for grant of anticipatory bail.

Considering the facts and circumstances, in my view, the petitioner does not deserve the privilege of anticipatory bail.

This application is, accordingly, dismissed.

The petitioner, Dular Yadav @ Ram Dular Prasad,



is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J.)

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