

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9223 of 2019

Arising Out of PS. Case No.-145 Year-2014 Thana- KUDHANI District- Muzaffarpur

Raj Kumar, aged about 30 years, Male, Son of late Kailash Sah, Resident of Village - Turki, P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pradhan Murli Manohar Pd. Adv. Mr. Raju Kumar Goswami, Adv. Mr. Pramod Kr. Singh, Adv.
For the Opposite Party/s :		Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-02-2019 Heard learned counsel for the petitioner and learned APP representing the State.

Petitioner is seeking anticipatory bail in connection with Kudhani P.S. Case No.145 of 2014 registered for the offences punishable under Section 290 of the Indian Penal Code and under Section 47 (A) of the Excise Act

Learned counsel for the petitioner submits that there is no material to connect this petitioner in the present case as the recovery of illicit liquor is from a bush of tree nearby the shop of the petitioner.

Learned APP for the State has opposed the prayer for anticipatory bail saying that this case is of the year, 2014 and the petitioner is moving this Court after almost five years for anticipatory bail. In the meantime, police has investigated the matter and has submitted a charge-sheet saying that the petitioner is



absconding.

Learned counsel for the petitioner, at this stage, submits that cognizance has not been taken and one similarly situated accused has been granted bail.

This Court is of the considered opinion, that if the petitioner has not participated in course of investigation and has remained absconding for about five years and now that a charge-sheet has already been filed against him showing him as absconding, the privilege of anticipatory bail cannot be extended to the petitioner. The order granting anticipatory bail to the co-accused as contained in Annexure '2' to the present application nowhere shows that these facts were brought to the notice of the Court.

The application has no merit, it is, accordingly, dismissed.

In case the petitioner surrenders and prays for regular bail, considering the nature of the allegations his prayer for regular bail may be considered on the same date by the learned Court below without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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