

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22574 of 2019

Arising Out of PS. Case No.-140 Year-2017 Thana- BIHIA District- Bhojpur

JIUT @ NAGA S/o kamlesh Prasad R/o village- Bara Kharawani, P.S.-
Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra,Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Bihiya P.S. Case No. 140 of 2017 registered for the offences punishable under Sections 143, 341, 323, 354, 504, 506 of the Indian Penal Code and Sections 11(1) of POCSO Act.

Learned counsel for the petitioner submits that it is a case of malicious prosecution as the whole FIR is based on general and omnibus allegation with intention to harass and humiliate the petitioner.

Learned APP for the State has opposed the prayer of anticipatory bail on the ground inter alia that this petitioner has got criminal antecedent and it appears from the case diary that the petitioner is absconding and now a proclamation has been



issued against him under Section 83 Cr.P.C.

In the aforesaid view of the matter where the petitioner has got criminal antecedent and has moved this Court after issuance of a proclamation under Section 83 Cr.P.C., this Court is not willing to extend the privilege of anticipatory bail to the petitioner. The prayer is refused.

In case the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, his prayer of regular bail will be considered on its own merit without being prejudiced by this order.

(Rajeev Ranjan Prasad, J)

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