

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44098 of 2019

Arising Out of PS. Case No.-139 Year-2014 Thana- KATIHAR MUFFASIL District- Katihar

ASHIM MAJUMDER @ ASIM MAZUMDAR Son of Dhananjay Majumder
Resident of Village - Pati Colony, Road No.3 SMC Word No.47, Pradhan
Nagar, Champasari, Pradhan Nagar, P.O.- Pradhan Nagar, P.S.- Pradhan
Nagar, Dist.- Darjeeling 734003, (W.B)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurva Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-10-2019 This application, for grant of anticipatory bail, arises out of
Katihar Muffasil P.S. Case 139/2014 disclosing offences under
Sections 147, 149, 323, 379, 307, 376, 489(A) of the Indian Penal
Code and Section 27 of the Arms Act.

As per F.I.R, there is allegation against petitioner and
other accused persons is that they thrashed the informant on the
ground and committed rape upon her.

Submission of learned counsel for the petitioner is that as
a matter of fact that the informant is in habit of filing false cases as
one after another false cases is being filed against the petitioner and
in this case, there is inordinate delay in lodging the F.I.R and there is
dispute with respect to payment of wages, as such, he has falsely
been implicated in this case and other co-accused has been granted
the privilege of anticipatory bail vide order dated 19.09.2016 passed



in Cr. Misc. No. 34669 of 2016 and another co-accused has been enlarged on bail vide order dated 26.07.2017 passed in Cr. Misc. No. 26245 of 2017.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that in this case, chargesheet has been submitted against the petitioner showing him absconder as such, the petitioner is not entitled for grant of anticipatory bail.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather this application is disposed of with direction to the petitioner to surrender in the court below within three weeks from the date of receipt of this order and pray for regular bail and the court below will dispose of the same on the basis of materials available on record as well as after considering the submission that one co-accused has been granted the privilege of anticipatory bail and another has been enlarged on regular bail by this Court, if possible on same day, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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