

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59636 of 2019

Arising Out of PS. Case No.-1356 Year-2006 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Sudhir Singh, aged about 43 years, Male, Son of Tunnu Singh, Resident of Village- Phurphuria, P.S.- Paraiya, District- Gaya.
 2. Kishori Singh @ Shyam Kishori Singh @ Kishor Singh, aged about 41 years, Male, Son of Tunnu Singh, Resident of Village- Phurphuria, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sona Devi, aged about 30 years, Female, Wife of Late Awadh Bihari Singh, Resident of Village- Phurphuria, P.S.- Paraiya, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-09-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No.1356 of 2006, registered under Sections 323 and 379 of the Indian Penal Code.

The complainant alleged that the petitioners and others assaulted the complainant and his family members and took away different articles.

It is submitted that the petitioners are co-sharers and no occurrence as alleged by the complainant took place ever. It is further submitted that the court has illegally declared the



petitioners absconder after issuance of process of Sections 82 and 83 Cr.P.C. as no execution report is on record but once the petitioners have been declared absconder after issuance of process of Sections 82 and 83 Cr.P.C., in my view, the anticipatory bail petition is not maintainable.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

The petitioners, if so advised, may appear in court and pray for regular bail and on such the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration the nature of offence and the fact that the petitioners are co-sharers of the complainant.

(Prabhat Kumar Jha, J)

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