

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60557 of 2019

Arising Out of PS. Case No.-169 Year-2017 Thana- SIKANDRA District- Jamui

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Dharmendra Mahato @ Bahira, Aged about 32 years, Son of Dhiro Mahto,
Resident of Village- Kuradih, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-10-2019 Heard both sides.

The petitioner apprehends his arrest in Sikandra P.S. Case No.169 of 2017, registered under Sections 147, 148, 149, 353, 307, 100, 332 and 333 of the Indian Penal Code as well as under Section 27 of the Arms Act.

The informant, police inspector, alleged that he got secret information that Mahendra Kumar Gupta who was abducted by criminal escaped Uswa hill. The police reached there but the criminal opened fire. The police party also retaliated firing but the abductors fled away leaving the abducted Mahendra Kumar Gupta on the spot.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner surfaced in the case in the confessional statement of Gorelal Mahto who has already been enlarged on bail. Save and except the confession, there is no tangible material against the petitioner. It is further submitted



that the name of different persons figured in the case during the course of investigation and they have been granted anticipatory bail by order dated 30.07.2019, passed in Cr. Misc. No.47176 of 2019 and order dated 13.07.2018, passed in Cr. Misc. No.40869 of 2018. The case of the petitioner stands on the same footing but it appears from the order of the learned Additional Sessions Judge itself that the petitioner has already been declared absconder and thereafter the charge sheet is submitted.

Since the petitioner has already been declared absconder, I am not persuaded to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated other accused persons such as Munna Kumar and Chandra Shekhar Sah @ Chandra Shekhar Kumar have already been granted anticipatory bail and dispose of the bail petition of the petitioner preferably on the same day.

(Prabhat Kumar Jha, J)

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