

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76953 of 2019

Arising Out of PS. Case No.-267 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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1. GULAB KUMAR Son of Ranjit Ram Resident of Village Daudpur Masaurhi, P.S. - Masaurhi, District - Patna.
 2. Pawan Kumar Son of Ranjit Ram Resident of Village Daudpur Masaurhi, P.S. - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bebi Devi Wife of Shiv Pd. Resident of Village Daudpur Masaurhi, P.S. - Masaurhi, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail arises out of
Complaint Case No. 267(C) of 2015, disclosing the offences
under Sections 323, 379, 380, 504 and 506 of the Indian Penal
Code.

The informant (opposite party No. 2) is the wife of
elder brother of petitioners No. 1 and 2. It appears from the First
Information Report which has been registered on the basis of a
complaint petition, that it was because of a family dispute, the



criminal case has been instituted. There is allegation of using abusive language and slapping the informant. There is also allegation against the petitioner No. 2 of having snatched the informant's ear-ring.

From the order of learned Sessions Judge, Patna, dated 16.10.2019 passed in Anticipatory Bail Petition No. 7641 of 2019, it transpires that the petitioners' application for anticipatory bail has been rejected on the ground that process under Section 83 of the Cr. P.C. has been issued and, therefore, the anticipatory bail was not maintainable.

Learned counsel appearing on behalf of the petitioners has submitted that the petitioners are yet to be declared absconders and, therefore, the anticipatory bail has wrongly been rejected by the court below, as not maintainable.

Considering the nature of accusation in the complaint petition which is the basis for registration of First Information Report, I do not intend to go into the aspect as to whether the petitioner has been declared absconders or not.

Since the process has been issued, this application for anticipatory bail is dismissed.

Let the petitioner surrender before the Court below within four weeks and apply for regular bail. However, in view



of the facts noted above, if they do so, their application for regular bail shall be considered and disposed of on the same day, keeping in mind the nature of accusation in the complaint petition and relationship of these petitioners and the informant.

(Chakradhari Sharan Singh, J)

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