

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79256 of 2018

Arising Out of PS. Case No.-56 Year-2006 Thana- MANJHI District- Saran

Harendra Yadav Son of Sukhari Yadav Resident of Village - Manpurwan, P.S.-
Manjhi, District - Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioner apprehends his arrest in Manjhi P.S.
Case No. 56 of 2006 registered under Sections 353, 307 of the
Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms
Act and Section 3/4 of Explosive Substance Act.

The informant is the police official. The informant got
information that some antisocial elements were rigging the
booths and on such, the informant and other police officials
went there and saw that many persons were rigging the booths.
They were firing to terrorize the people but on arrival of police,
they started fleeing away. Two persons namely, Dhanjee Yadav
and Rajesh Rai were apprehended. From their possession, arms
and ammunition were recovered. They disclosed that at the
instance of the petitioner, they had come to rig the booth since



the wife of the petitioner was contesting the election.

The learned counsel for the petitioner submits that for the same occurrence, Manjhi P.S. Case No.55 of 2006 was registered. Petitioner was arrested and he was granted bail but the police did not remand the petitioner in the present case although the present case was registered immediately after registration of Manjhi P.S. Case No.55 of 2006. Police submitted chargesheet in the present case showing the petitioner absconder.

Since the petitioner has already been declared absconder, I find that anticipatory bail petition of the petitioner is not maintainable. Accordingly, this anticipatory bail petition is dismissed.

If the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner on its own merit without prejudice to the order of this Court.

(Prabhat Kumar Jha, J)

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