

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 12993 of 2020

Arising Out of PS. Case No.-80 Year-2019 Thana- DAUDPUR District- Saran

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Bhanu Pratap Singh @ Bhutani S/o Tej Pratap Singh @ Bhola Singh R/o
village- Bangra, P.S.- Daudpur, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rakesh Kumar
For the State	:	Mr. Sanjay Kumar Tiwary
For the Informant	:	Mr. Ravi Nandan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 04-03-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Daudpur P.S.
Case No. 80 of 2019 registered for the offence under Section
307 & other allied sections of the Indian Penal Code.

There is case and counter case in between the parties
and both sides sustained injury.

It is submitted on behalf of petitioner that only
allegation against the petitioner is that he gave knife blow to one
Shailendra Kumar Singh on his nose and knee, whereas, as per
injury report (Annexure – 3), the injury is found to be simple in
nature by the doctor. It is further submitted that no case under
Section 307 of the Indian Penal Code is made out against the
petitioner. It is submitted that petitioner has been implicated in



this case because uncle of this petitioner is witness in Daudpur P.S. Case No. 81 of 2019, in which, informant is one of the named accused. On aforesaid ground, it has been prayed to enlarge the petitioner on anticipatory bail.

However, learned counsel for the informant, who has voluntarily appeared, as well as learned A.P.P. have vehemently opposed the prayer for bail. It is submitted by learned counsel for the informant that process of summons under Section 82 of the Cr.P.C. has already been initiated, and as such, the present anticipatory bail application is not maintainable.

However, in view of settled principle of law, which has been discussed by the Hon'ble Apex Court, in **(2014) 2 SCC 171 (State of Madhya Pradesh vs. Pradeep Sharma)** as well as in **(2012) 8 SCC 730 (Lavesh vs. NCT of Delhi)**, whereby it has been held that only in cases, where the accused persons have been declared as a proclaimed offender in terms of Section 82 of the Cr.P.C., such accused persons are not entitled. The above-stated facts have also been discussed by a coordinate Bench of this Court, vide order dated 07-02-2018 passed in Cr.Misc. No. 62208 of 2017.

In the present case, only process of summons has



been initiated under Section 82 Cr.P.C., as stated by the counsel for informant, but the petitioner has not been declared, as 'proclaimed offender'.

In view of aforesaid facts and circumstances, the present petition is held to be maintainable.

So far as merit of the case is concerned, there is allegation of giving knife blow and injuries have been found simple.

Accordingly, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIV, Saran at Chapra in connection with Daudpur P.S. Case No. 80 of 2019, subject to condition, as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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