

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26461 of 2020

Arising Out of PS. Case No.-284 Year-2017 Thana- NAUGACHIA District- Bhagalpur

Suman Kumar @ Suman Yadav, aged about 25 years, male, S/o Late Tunna Yadav @ Tuno Yadav, Resident of Village-Bhawanipur, P.S.-Rangra, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viswajeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 03-12-2020 Heard Mr. Viswajeet Kumar Mishra, learned counsel for the petitioner and Mr. Bharat Lal, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sessions Trial No. 252 of 2018 arising out of Naugachia P.S. Case No. 284 of 2017, dated 17.11.2017, instituted for the offences under Sections 302 and 120B of the Indian Penal Code and Section 27 of the



Arms Act.

The informant has alleged that the petitioner and others have conspired to kill the deceased. The primary suspicion has been raised on one Nilam Devi, who served as Aanganbari Sahayika and who had been accompanying the deceased just prior to his death.

Learned counsel for the petitioner has drawn the attention of this Court to the fact that aforesaid Nilam Devi and another accused person, *viz.*, Lodha Yadav have been granted bail by this Court *vide* Cr. Misc. Nos. 22347 of 2018 and 75683 of 2018 respectively.

Though the petitioner's case stands on similar footing as that of aforesaid Nilam Devi and Lodha Yadav, but the fact remains that the case has gone in trial and the investigation papers reveal that the charge-sheet in this case against the other accused persons was submitted, showing the petitioner as an absconder.

For the aforesaid reason only, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail is,



accordingly, rejected.

However, if the petitioner surrenders before the Trial Court and seeks bail, his application shall be considered on its own merits, taking into account that on similar allegations, two other accused persons have been granted bail by the High Court and he shall, thereafter, pass order in accordance with law, without being prejudiced by the fact that the present application for anticipatory bail has not been entertained by this Court.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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