

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86430 of 2019**

Arising Out of PS. Case No.-91 Year-2015 Thana- ASANWA District- Siwan

BRAHMA YADAV Son of Chandradev Yadav @ Chandradeo Yadav Resident
of Arkpur, Police station - Asaon, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, APP Incharge
for the Informant :	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 07-09-2020 Heard learned counsel for the petitioner, Mr. Prashant Kumar, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Asaon P.S. Case No. 91 of 2015 registered for the offence under Sections 364, 302, 201, 120(B)/34 of the Indian Penal Code pending in the court of learned Chief Judicial Magistrate, Siwan.

Learned counsel for the petitioner submits that earlier the police had kept the investigation pending against him but later on he was charge-sheeted showing him absconder. It is further submitted that the two co-accused who faced the trial have been acquitted by the learned trial court in Session Case No. 354 of 2016. As regards the cases mentioned in paragraph 3



of the application it is stated that though no statement has been made in the petition but in all the four cases pending against the petitioner he is on bail.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that despite a warrant of arrest issued against the petitioner in the year 2016 he has not submitted himself to the jurisdiction of the court. It is further submitted that the allegation against the petitioner is that he had taken away the daughter of the informant and was seen by the witnesses, later on dead body of the daughter of the informant was found from a ditch. In the given facts and circumstances it is submitted that prayer for pre-arrest bail is not fit to be accepted.

Having regard to the facts and circumstances of the case, the allegation in the first information report made against the petitioner whereunder it is stated that he had taken away the daughter of the informant and was seen by the witnesses, later on the dead body of the daughter was found in a ditch and then further the petitioner is absconding in this case, the case is of the year 2015 and he has got criminal antecedent as well, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.



This application stands dismissed.

Interim order, if any, stands vacated.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

