

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25450 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- KHARIK District- Bhagalpur

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Pawan Kumar Rai @ Pawan Kumar Ray @ Pawan Ray @ Pawan Kumar Roy
Son Of Late Rajendra Rai @ Late Rajendra Ray R/O Village- Telghi (Teldhi),
P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-12-2021 Let the defects, if any, be removed within four weeks
after complete start of the physical Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, co-accused Sumit Rai allegedly
caused fire-arm injury and death of the husband of the
informant.

It is stated that land dispute was the reason for the
said act and Sumit had committed murder at the instigation of
this petitioner. However, petitioner was not present at the time



of occurrence. The petitioner has got no criminal antecedent.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that petitioner has already been declared absconder by the police and final report under Section 173 Cr.P.C. has been submitted against the petitioner. The record would reveal that prayer for anticipatory bail was pending before the learned Sessions Judge since 14.08.2020. During pendency of the prayer for anticipatory bail the petitioner was declared as absconder. It is surprising that though it was not a case of avoiding the process of law; rather the petitioner was exercising its statutory right even then he was declared as absconder.

Considering the facts aforesaid especially the fact that the petitioner was not there at the time of occurrence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Kharik P.S. Case No. 66 of 2020, subject to the condition as laid down under Section 438 (2) of the Code of Criminal



Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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