

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38691 of 2020

Arising Out of PS. Case No.-205 Year-2019 Thana- BHORE District- Gopalganj

VINAY MISHRA, S/o Late Suresh Mishra, R/o Village- Bhadavahi, P.S.-
Bhore, District- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. Crime Investigation Department (C.I.D.), Patna, Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Devanand Tiwari, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For the informant	:	Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-12-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Prem Kumar Jha, learned APP and Mr. Arun Kumar, learned counsel representing the informant.

The petitioner in the present case is seeking pre-arrest bail in connection with Bhore P.S. Case No. 205 of 2019 registered for the offences punishable under Section 302/404/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegations, this petitioner is one among the six named accused who had allegedly opened fire on the deceased.

Mr. Ajay Kumar Thakur, learned counsel for the



petitioner submits that in course of investigation no material could be collected despite instructions of the superior police officers to show that the petitioner was present at the relevant time at the place of occurrence.

It is submitted that in fact, at the time of occurrence the petitioner was present in an electric shop of Vinod Pandey situated at Bhorey Bagahi main road and this may be verified from CCTV camera which has been installed at the shop.

Learned counsel further submits that in course of investigation though several witnesses have been examined but they have not taken name of this petitioner. It is further submitted that the two co-accused namely, Awadhesh Gond and Prabhunath Singh have been granted privilege of anticipatory bail by learned co-ordinate Bench of this Court vide orders as contained at Annexure 2 series.

Mr. Prem Kumar Jha, learned APP assisted by Mr. Arun Kumar, learned counsel for the informant submits that in this case the petitioner is specifically named in the FIR, there is an allegation that he was one among the assailants, the petitioner has got at least five criminal antecedents and above all in the present case, the process under Sections 82 and 83 Cr.P.C. have been exhausted against the petitioner.



Having regard to the submissions recorded hereinabove and there is no denial of the fact that the petitioner has been declared absconder and process under Sections 82 and 83 Cr.P.C. have been exhausted against him as also that the petitioner is named as an assailant in this case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The application stands dismissed.

(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'.

