

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13745 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- CHAKAND District- Gaya

VIKRAM KUMAR S/o Vinod Saw Resident of Village- Siyarbhukka, P.S.-
Chakand, District- Gaya, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. S.N. Pathak, Advocate Mr. Ashish, Advocate Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s :	Mr. APP Mr. Rajendra Narayan, Sr. Advocate Mr. Sunil Kumar Yadav, Advocate

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 03-03-2022 Heard Mr. S.N. Pathak, learned Advocate for the petitioner and Mr. Rajendra Narayan, learned Senior Advocate for the victim/opposite party no. 2.

The petitioner seeks bail in anticipation of his arrest in connection with Chakand P.S. Case No. 147 of 2020 dated 10.09.2020 instituted for the offences under Sections 341, 323, 354, 379, 504 and 506 of the Indian Penal Code in which Section 376 of the IPC was added on 05.10.2020.

On 03.01.2022, taking the statement of the counsel for the petitioner viz. that the victim has filed a case alleging that her father-in-law had pressurized her to name the petitioner in the subject FIR with such allegation, the petitioner was granted



provisional bail and the case diary was called for.

Today, Mr. Rajendra Narayan, learned Senior Advocate opposing the prayer for anticipatory bail of the petitioner has submitted that the petitioner had been declared an absconder long time ago, which fact was not known to him till the last occasion when he had addressed this Court.

He has further submitted that the SHO of the case has been given a show-cause notice for not registering the case under Section 376 IPC in the first instance, but only under Section 354 and other minor Sections of the IPC.

Lastly, it has been submitted on behalf of the victim that the case about which the petitioner has talked was only an arrangement so as to maintain family peace and respect of the parties in society.

The aforesaid explanation of the victim does not *prima facie* inspire confidence.

Be that as it may, considering the fact that the petitioner has been declared an absconder, I am not inclined to extend the privilege of anticipatory bail to him.

The provisional bail granted on 03.01.2022 is, hereby, recalled.

The prayer for anticipatory bail is rejected.



The petitioner ought to surrender before the court below and seek bail. Should he do so, his application shall be considered on its own merits taking into account all the afore-noted facts and an order shall be passed without being prejudiced by the fact that the present petition on his behalf has finally not been entertained.

(Ashutosh Kumar, J)

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