

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34210 of 2021

Arising Out of PS. Case No.-137 Year-2018 Thana- BANGAWON District- Saharsa

ANAND KUMAR JHA Son of Bachneswar Jha Resident of Village - Jajauri,
P.S.- Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the Informant	:	Mr. Chandra Mohan Jha, Adv.
For the State	:	Mr. Kumar Virendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-02-2022 Heard Mr. Pramod Mishra, learned counsel for the petitioner, Mr. Chandra Mohan Jha, learned counsel for the informant and Mr. Kumar Virendra Narayan, learned Additional Public Prosecutor for the State through video conferencing.

Petitioner has filed present application for bail in connection with Bangaon PS Case No. 137/2018 registered for the offence punishable under Sections 363, 366(A)/34 of the IPC.

As per prosecution case, the petitioner abducted the minor sister of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner was earlier granted anticipatory bail by co-ordinate Bench of this Court in Cr. Misc. No. 33361/2019, however, on



04.12.2019 bail bond of the petitioner was cancelled by the court below due to non appearance of the petitioner before the court below. Learned counsel further submits that on 25.10.2019, a petition for Special Leave to Appeal (Crl) No. 35196/2019 was filed by the informant for cancellation of bail granted by this Court and on 16.12.2019, the Hon'ble Apex Court *vide* SLP (Crl.) No. 9968/2019 issued Notice to the Respondent i.e., the petitioner, however, the petitioner did not respond to the said notice and the Apex Court *vide* order dated 13.01.2020 again issued fresh notice and due to non appearance of the petitioner a nonailable warrant of arrest was issued by Hon'ble Apex Court on 16.09.2020.

He further submits that the petitioner was arrested on 02.01.2021 and on 05.03.2021 when the SLP was again taken up by the Hon'ble Apex Court, it was informed that Respondent No.1, i.e., petitioner was arrested pursuant to nonailable warrant of arrest having been issued by this Court. Accordingly, the SLP was dismissed by the Hon'ble Apex Court as being infructuous.

Mr. Mishra, learned counsel for the petitioner submits that it is a case of misuse of privilege of bail granted by this Court and the petitioner is in custody since 02.01.2021 and



undertakes not to misuse the privilege of bail in future and will co-operate in the trial.

On the other hand, Mr. Chandra Mohan Jha, learned counsel for the informant submits that the conduct of the petitioner is apparent on the face of the record inasmuch as learned Additional Sessions Judge- 1st, Saharsa while rejecting the bail application of the petitioner *vide* impugned order dated 17.03.2021 has taken note of this fact that despite the notice and NBW having been issued by the Hon'ble Apex Court and process under Section 82, 83 of CrPC initiated by the trial court declaring the petitioner as absconder, he chose not to submit to the jurisdiction of the court and remained absconding, however, the police arrested the petitioner from Delhi.

Accordingly, the submission is that the petitioner does not deserve the privilege of bail at this stage. He further informed that the case has now been committed to the court of sessions and the charges have not been framed and the victim girl has not yet been examined.

Having heard rival submissions made by the parties and perused the order impugned passed by ADJ-1, Saharsa, it appears that the conduct of the petitioner has not been satisfactory and after having been released on bail, he failed to



appear before the trial court despite summons, warrant of arrest etc., the petitioner did not even respond to the notice and NBW issued by the Hon'ble Apex Court and ultimately, the police had to visit to Delhi and arrested the petitioner on 02.01.2021.

Accordingly, I am not inclined to grant regular bail to the petitioner at this stage. However, petitioner, if so advised, may renew his prayer for bail after framing of charge and after statement of the victim girl is recorded by the trial court.

With the above observation, this application for bail is, hereby, rejected.

(Anil Kumar Sinha, J)

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