

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8163 of 2021**

Arising Out of PS. Case No.-35 Year-2020 Thana- PIPRIYA District- Lakhisarai

Permeshwari Singh @ Prameshwari Singh Son Of Late Jagdish Singh R/O
Village Ramchandrapur P.S Piparia District Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 05-01-2022 Heard Mr. Parmanand Pd. Nr. Sahi, learned counsel
for the petitioner and Ms. Gulnar Begum, learned APP for the
State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Piparia P.S. Case No. 35 of 2020 (G.R.
No. 673 of 2020) registered for the offences punishable under
Sections 147, 148, 149, 341, 302 of the Indian Penal Code and
Section 27 of the Arms Act. The petitioner has no criminal
antecedent.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case. The allegation
against him is that he and one co-accused Shankar Singh had
ordered the co-accused to fire upon the deceased.

Learned counsel submits that there is no allegation of



firing against the petitioner and the co-accused Gopal Kumar against whom there was an allegation of firing has been granted regular bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 5851 of 2021.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

This Court had called for the case diary and it is available on the record. On perusal thereof it appears from paragraphs 50 and 55 of the case diary that the petitioner has been declared absconder and proclamation has been issued against him.

In the aforesaid view of the matter, since the petitioner has been declared absconder and proclamation has been issued against him, in view of the judgment of the Hon'ble Supreme Court in the case of **Lavesh vs. State (NCT of Delhi)** reported in **(2012) 8 SCC 730**, this Court is of the considered opinion that it is not a fit case to be entertained for purpose of pre-arrest bail.

If the petitioner surrenders and prays for regular bail within four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.



Learned counsel for the petitioner has submitted that the co-accused Gopal Kumar has been granted bail by learned Co-ordinate Bench of this Court, the same may be submitted for consideration before the learned court below.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

