

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37608 of 2022

Arising Out of PS. Case No.-273 Year-2019 Thana- EKMA District- Saran

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Bhanu Pratap Singh @ Bhutani, aged about 32 years, Male, Son of Tej Pratap Singh @ Bhola Singh, Resident of Village- Bangra, P.S.- Daudpur, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.M. Ashraf, Advocate

For the State : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-02-2023

Heard Mr. S. M. Ashraf, learned counsel for the petitioner and Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Ekma P.S. Case No. 273 of 2019 dated 20.10.2019 instituted under Sections 320, 120-B and 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

3. This is the second attempt for anticipatory bail as earlier such prayer was rejected by order dated 09.03.2021 passed in Cr. Misc. No. 31895 of 2020.



4. Learned counsel for the petitioner fairly submits that there is no change in the material circumstances except for the fact that the petitioner upon being diagnosed with Tongue cancer has also undergone operation at Tata Memorial Hospital in Mumbai and his periodic check up is required at that place.

5. Learned APP submitted that the allegation against the petitioner is that he is the main assailant leading to the death of the deceased. Thus, it was submitted that the petitioner should surrender before the Court below and then seek bail since for about three and a half years, he has not made himself available to the investigating agency for completing the investigation and is evading the process of law.

6. Having considered the submissions of learned counsel for the parties and the fact that this is the second attempt for anticipatory bail without there being any change in material circumstances to justify the same except for the petitioner having been operated for Tongue cancer and there being no progress in investigation due to the petitioner absconding, the Court does not feel inclined to allow the prayer.

7. Accordingly, the petition stands dismissed.

8. However, if the petitioner surrenders before the Court below within three weeks from today, the Court shall consider the



matter on its own merits, in accordance with law, without being prejudiced by the present order, expeditiously.

(Ahsanuddin Amanullah, J)

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