

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73025 of 2022

Arising Out of PS. Case No.-22 Year-2011 Thana- SAHEBGANJ District- Muzaffarpur

Chandrika Ray @ Chandrika Pd. Yadav Son of Late Jagdeo Rai Resident of
Village - Hussepur Panchrukhiya, P.S.- Sahebganj, District - Muzaffarpur.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Choubey, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Sahebganj P.S. Case No. 22 of 2011
registered for the offences under Sections 302, 34 of Indian
Penal Code. The petitioner has no criminal antecedent.

On perusal of the application, it appears that the
petitioner had earlier moved this Court in Cr. Misc. No. 4010 of
2012 which was disposed of by this Court vide order dated
07.02.2012 with an observation that the ground raised by the
petitioner can be a good ground for consideration of regular
bail. This Court observed that “let the learned court below
consider the regular bail of the petitioner without being
prejudice by the order of this Court.”

It seems that the petitioner did not surrender in this



case for all these 11 years approximately and has audacity to move a fresh application after 11 years seeking the privilege of anticipatory bail.

When this Court called upon learned counsel for the petitioner to justify the filing of the second anticipatory bail application, sensing that he had no ground to show any change of circumstance, learned counsel sought permission to withdraw this application.

In the facts of the present case where this Court finds that the petitioner is not a law-abiding citizen and has been absconding in this case for about 12 years since the date of lodging of the case, while dismissing this application, this Court imposes a cost of Rs. 25,000/- upon the petitioner for wasting the judicial time of the Court by filing a frivolous application.

Let the cost be deposited by the petitioner within a period of four weeks from today with the Patna High Court Legal Services Authority, failing which it will be pointed out to the Court and recovery shall be made in accordance with law.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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