

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64572 of 2022

Arising Out of PS. Case No.-77 Year-2000 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Rabindra Kumar Dwivedi @ Ravindra Kumar Dwivdi @ Ravindra Kumar Dubey Son Of Late Jagdish Dubey R/O Village- Shyampur, P.S.- Nautan, District- West Champaran
 2. Jagdish Rao Son Of Gena Rao R/O Village- Shyampur, P.S.- Nautan, District- West Champaran
 3. Rajeshwar Dixit Son Of Late Satranarayan Dixit R/O Village- Basantpur Shivpur, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Mishra Son Of Binda Bihari Mishra R/O Village- Patilar, P.S.- Choutarwa, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in Complaint Case No. 77 (C) of 2000 registered for the offences punishable under Sections 147, 148, 149, 323, 341, 325, 379 and 380 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Bettiah, West Champaran.

Allegation against the petitioners is that they have assaulted the complainant and his brother and also torn his coat and band.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. They have been falsely



implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further submits that there is specific overt act against on co-accused Bhagwan Prasad, who is in-charge of the Bettiah Police Station. He submits that the petitioners have got no criminal antecedents as mentioned in para 3 of the bail application.

Learned APP for the State opposes prayer bail and submits that it is clear from Section 82 of the Cr.P.C. that, if, anyone is declared as an absconder offender, he is not entitled to the relief of anticipatory bail. Hence, they does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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