

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13650 of 2024

Arising Out of PS. Case No.-953 Year-2022 Thana- DANAPUR District- Patna

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TAPAN MALLICK @ TAPAN DA @ BENGALI SON OF LATE SHYAM
SUNDER MALLICK R/O C/O MANOKAMNA JEWELLERS, M.G.
MARKET, BAKARGANJ, BARI ROAD, P.S.- PIRBAHORE, DISTRICT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shweta Anand, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-02-2024 Heard Ms. Shweta Anand, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in connection with Danapur P.S. Case No. 953 of 2022 for the offence under sections 457 and 380 of the I.P.C. lodged on 04.09.2022 by the informant, Nishkarsh Verma.

3. Earlier the petitioner had moved before this Court in Cr. Misc. No. 17082 of 2023 which came to be rejected on 24.05.2023 and the Court observed that if the petitioner surrenders, the concerned Court shall take up the matter and disposed it of preferably on the same day.

4. Instead of surrendering before the concerned Court



and seek bail, another anticipatory bail has been preferred. The allegation in the FIR is that the a 'dacoity' took place in the house of the informant, two 'almirahs' were ransacked and gold materials were taken away as also some cash and the mobile. This gave rise to Danapur P.S. Case No. 953 of 2022. The police investigated the matter when it came to light that the theft articles were sold by one of the accuseds, Vijay Babar to the petitioner herein. Subsequently, the same was found to be true, his name was incorporated in the list of accuseds. In that backdrop, the earlier anticipatory bail application was permitted to be withdrawn with the observation, as stated above.

5. Learned counsel for the petitioner submits that in this case, cognizance was taken against the accused persons on 09.11.2022 whereafter another supplementary charge sheet was submitted against Munna Ji and on 08.12.2023, cognizance was taken against him too. She submits that in that backdrop, it is clear that nothing had come against the petitioner and as such, the second anticipatory bail application.

6. Mr. Bharat Bhushan, on the other hand, points that since Munna Ji and this petitioner were absconding, earlier charge sheet was submitted against apprehended accuseds, in which cognizance was taken. Subsequently, Munna Ji also came



into judicial custody whereafter supplementary charge sheet submitted and the learned Court taking into account that earlier cognizance order made the same applicable against Munna Ji also.

7. He further submits that a bare perusal of the supplementary charge sheet would show that the police continued its investigation so far as this petitioner is concerned. He submits that contrary to the submissions put forward by the learned counsel for the petitioner, there is no fresh ground and it is clear that despite the fact that the FIR was lodged in the year 2022, he is evading arrest for one and half year.

8. This Court finds force in the submissions of the learned APP, there is no reason to re-look the earlier order passed in the first anticipatory bail application of the petitioner, and the present anticipatory bail application is thus rejected.

9. The Senior Superintendent of Police, Patna shall submit a report as to how despite the filing of the charge sheet and the supplementary charge sheet against the other accused and continuance of the investigation against the petitioner, he is still evading the arrest.

10. The report shall be submitted before this Court within a period of four weeks from today.



11. List this case after six weeks under the heading
“To Be Mentioned” so that the report submitted by the S.S.P.,
Patna is perused.

(Rajiv Roy, J)

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