

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20681 of 2024**

Arising Out of PS. Case No.-1 Year-2013 Thana- TATARPUR District- Bhagalpur

Subodh Krishna @ Subodh Krishna Das, S/o Late Brijraj Krishna Das, R/o  
Kunj Bhawan, Raghunandan Lal Estate, Golaghat, P.S. - Tatarpur, District-  
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      02-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Tatarpur (Kotwali) P.S. Case No.1 of 2013, registered for the alleged offences under Sections 307/34 of the Indian Penal Code and Sections 3 and 4 of Explosive Substances Act.

3. As per the prosecution case, the petitioner and other co-accused persons threw bomb on the house of the informant in order to terrorize him.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek anticipatory bail from this Court as his earlier application for grant of anticipatory bail was disposed of vide order dated 07.10.2013



passed in Cr. Misc. No. 35580 of 2013 with observation that  
*“Considering the fact that no injury has been caused to any one, this a case for consideration of prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Tatarpur (Kotwali) P.S. Case No. 1 of 2013 pending in the court of learned C.J.M., Bhagalpur”*. The learned counsel further submits that there were nine named accused persons in this case, but the charge sheet has been submitted only against the petitioner and as against eight co-accused persons, the final report has been submitted. The learned counsel further submits that the informant has been treated as an incredible and untrustworthy witness in respect of other eight co-accused persons. Hence, the informant cannot be treated as credible and trustworthy in respect of the present petitioner as well. The learned counsel further submits that the petitioner is being continuously harassed by the informant, his family members and coterie of the informant so as to create hurdle in his endeavour to defend his legal right in respect of his properties and for the said purpose only the present criminal case has also been lodged against the petitioner. The learned counsel further submits that the petitioner belongs to a reputed family and is a member of Supreme Court Bar Association. Neither in the FIR



nor in the statement of the witnesses recorded by the investigating officer, any specific role has been assigned to him. The learned counsel further submits that the substantial change of circumstances is that now the charge sheet has been submitted on 15.04.2015 and the learned Magistrate took cognizance on 04.09.2015. The learned counsel further submits that in the background of continuous litigation between the parties, the allegation has been levelled and admittedly no injury has been caused to any one. The learned counsel further submits that alleged incident never happened and if it ever happened then it was a conspiracy hatched by the informant with the help of his associates and the petitioner has never been involved in the said occurrence and has been falsely implicated in this case to teach him a lesson and to stop him from protecting his landed properties in the court of law. The learned counsel further submits that it is very much apparent that the present case has been lodged in the background of property dispute between the parties. The learned counsel further submits that the learned Sessions Judge, Bhagalpur has refused to grant anticipatory bail to the petitioner without application of judicial mind and in flagrant violation of settled principles of law and referred to the decision of the Madhya Pradesh High Court in the case of ***Imratlal Vishwakarma vs. The State of Madhya Pradesh***



*(Misc. Cri. Case No. 648 of 1995)* to harp on the point that law does not envisage any condition that accused should surrender before the competent authority while rejecting the prayer for anticipatory bail. The learned counsel relied on the decision of Hon'ble Apex Court in the case of *Ravindra Saxena Vs. State of Rajasthan (Criminal Appeal No.2406 of 2009)* decided on 15.12.2009 wherein it has been held that rejection of anticipatory bail petition without considering the case of the appellant solely on the ground that challan has been presented was erroneous approach on part of the High Court and the defence put forward by the appellant cannot be obliterated at this stage itself. The learned counsel further submits that in the aforesaid background as charge sheet has already been submitted and there is no question of tampering with the evidence and as the petitioner was not arrested during course of investigation, the petitioner may be granted privilege of anticipatory bail.

5. Learned APP opposes the prayer for bail of the petitioner. The learned APP submits that the prayer for grant of anticipatory bail of the petitioner has already been rejected by this Court and the petitioner did not obey the direction of this Court and knowingly and deliberately avoided his appearance which hampered the disposal of the case. The petitioner has all



along being knowing about proceeding taking place before the learned trial court and despite his knowledge, the petitioner kept silent for more than 10 years. The learned APP further submits that this is a case of 2012 and due to non-appearance of the petitioner, trial has been unnecessarily delayed. The learned APP further submits that there is no fresh ground to reconsider the prayer of the petitioner for grant of anticipatory bail and the petitioner cannot take advantage of his own wrong.

6. I have given my thoughtful consideration to the rival submissions of the parties. Evidently, the earlier anticipatory bail petition of the petitioner was disposed of by a learned Coordinate Bench of this Court which did not allow the prayer for grant of anticipatory bail and made an observation that it was a case for consideration of prayer for regular bail of the petitioner by the learned trial court in case the petitioner surrendered within six weeks from the date of order. This order was passed on 07.10.2013. Thereafter, the petitioner did not take any steps and did not even renew his prayer for anticipatory bail till the filing of the present petition and this petition has been filed after much delay. I do not find any change in material circumstances. However, admittedly charge sheet has been filed against the petitioner on 15.04.2015, cognizance has been taken against the petitioner on 04.09.2015 and non-bailable warrant



has been issued on 27.06.2018 for ensuring the presence of the petitioner by the learned trial court.

7. So far as reliance of the petitioner on the case of ***Ravindra Saxena*** (supra) is concerned, the facts of that case are quite different from the facts of the present case as in Ravindra Saxena case, it was a dispute arising out of some commercial transaction and contractual obligation and was not a case with similar allegation as in the present case. Furthermore, in that case, the third anticipatory bail petition was rejected solely on the ground that challan has been presented.

8. Considering the nature of allegation against the petitioner which appears to be serious and further considering the conduct of the petitioner with no material change in the circumstances, I am not inclined to reconsider the prayer for anticipatory bail of the petitioner.

9. Accordingly, his prayer for grant of anticipatory bail is rejected.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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