

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48718 of 2024

Arising Out of PS. Case No.-1603 Year-2002 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Madan Mohan Mahto @ Batan Mahto Son of Late Ramnath Mahto R/O Vill.-
Pojhiya, P.S.- Lalganj, Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Singh, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 1603 of 2002, Trial no. 923 of 2003 wherein cognizance was taken under sections 365 and 120B of the Indian Penal Code.

3. As per the prosecution case, the son of the informant who was working on the mini truck-407 in question disappeared and was not to be found. The informant states that on going and making inquiries about his son, the accused persons who were the driver and the *khalasi* of the mini truck in question did not give any information. The informant states that the accused persons including the petitioner herein have killed



his son on account of the fact that the son had asked for his dues.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Initially, an F.I.R being Hajipur Sadar P.S Case no. 116 of 1999 was registered wherein finding the case to be false, final form was submitted. However the protest petition having been filed by the informant, the same was treated to be complaint, inquiry started and by order dated 22.5.2003 in connection with Protest-cum-Complaint Case no. 1603 of 2002, the learned trial Court took cognizance against the accused persons including the petitioner herein under sections 365 and 120B of the Indian Penal Code. The petitioner not having any information about the cognizance having been taken, could not move for grant of anticipatory bail on earlier occasion. No incriminating material has transpired against the petitioner in course of investigation nor in course of inquiry.

5. The application for anticipatory bail is opposed by learned A.P.P for the State, who submits that cognizance was taken against the petitioner as far back as on 22.5.2003. Summons were issued for his appearance followed by bailable warrant, non-bailable warrant as also processes under sections



82 and 83 of the Cr.P.C. Inspite of all steps having been taken as far back as in the year 2009, the petitioner continued to abscond and has moved for anticipatory bail only after 21 years in the year 2024.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner, the contents of the protest-cum-complaint petition, the material that has transpired in course of inquiry, the order taking cognizance and the petitioner having absconded for 21 years before moving for anticipatory bail, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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