**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.74363 of 2026**

**CNR No. BRHC011088672026**

Arising Out of PS. Case No.-37 Year-2016 Thana- LAHERIYASARAI District- Darbhanga

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Rajesh Bari @ Rakesh Kumar S/o Birendra bari @ Rohit Bari R/o Mohalla - Mogalpura, P.S.- Laheriasarai, Distt - Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Anjani Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2 28-10-2026 Heard Mr. Anjani Kumar Sinha, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Laheriasarai P.S. Case No. 37 of 2016, registered for the offences punishable under Sections 448, 341, 323, 324, 307, 379, 504/34 of the IPC.

3. Allegedly, on the given date and time of occurrence, while the informant was studying in his room, in the meanwhile, upon hearing some noise and vulgar songs, he came out from the room and protested, the petitioner along with others started abusing and assaulting him, due to which he sustained serious injuries.

4. Learned Advocate for the petitioner submitted that

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there is no doubt that the FIR was instituted long back in the year 2016. However, the petitioner was the only child of the family engaged in study and earning money, and therefore, he could not approach the Court. In the meanwhile, other co-accused persons have approached the Court and they have been extended the privilege of bail. Referring to the judgment passed by the Hon'ble Supreme Court in the case of ***Bharat Chaudhary vs. State of Bihar (2003) 8 SCC 77***, the Court ruled that even in case a chargesheet is filed and process is issued, the Court can still grant anticipatory bail if a prima facie case for grant is made out, and the accused is not required to go for regular bail.

5. On the other hand, learned Advocate for the State submitted that the FIR came to be instituted long back in the year 2016 and earlier the petitioner had approached this Court in Criminal Miscellaneous No. 10351 of 2019, and prayer for bail of the petitioner was turned down by the learned Sessions Judge in the year 2019 itself, but he was evading his arrest and did not approach the Court for the last seven years.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that the petitioner has been evading his arrest for the last

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ten years, this Court is not acceded to the prayer for grant of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail to the petitioner stands rejected.

7. However, considering the fact that other accused persons facing identical allegations have been extended the privilege of anticipatory bail, if the petitioner surrenders preferably within a period of four weeks from today, his prayer for bail shall be considered without being prejudiced by the order of this Court.

**(Harish Kumar, J)**

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