

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35657 of 2014

Arising Out of PS.Case No. -344 Year- 2013 Thana -NATHNAGAR District- BHAGALPUR

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1. Pinky Devi wife of Amit Mandal
2. Amit Mandal Son of Naresh Singh
3. Shankar Mandal, son of late Rupan Roy

All resident of Mohalla- Laloochak Narga, P.S.- Nathnagar, District-
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-03-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioners are facing allegations for offence under Sections 363, 366A, 342, 376, 120B/34 of the Indian Penal Code and Section 4 of the Protection of Children From Sexual Offences Act and Section 3 (i)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and the prayer for anticipatory bail of the petitioners was already rejected on 22.05.2014 by a reasoned order as contained in Anenxure-1, this Court does not find any reason to entertain second application for anticipatory bail.

The only circumstantial defence of the learned counsel for the petitioners that subsequently some of the accused persons, having identical allegations, have been granted bail, will be of no

ground for overlooking the earlier interparte order dated 22.05.2014 rejecting their prayer for anticipatory bail specially when their order of rejection was not taken note while granting anticipatory bail to the co-accused persons.

That being so, if the petitioners have remained happily absconding for a period of two years ever since the F.I.R was lodged naming them as accused persons, they cannot be now given the privilege of anticipatory bail.

That being so, this application is accordingly dismissed.

Nothing said in this order however will come in the way of the petitioners in surrendering and making prayer for regular bail which shall be decided by the court below on its own merit.

Sujit/-

(Mihir Kumar Jha, J)

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