

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43098 of 2014

Arising Out of PS.Case No. -19 Year- 2013 Thana -PAHARPUR District- EASTCHAMPARAN
(MOTIHARI)

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1. Mahanth Thakur, Son of Lalsa Thakur
2. Mishri Lal Thakur, Son of Lalsa Thakur
3. Anand Thakur, Son of Lalsa Thakur
4. Sona Lal Thakur, Son of Late Bhagwan Thakur
All are residents of Village-Sishwa Bhaldahia, P.S.-Paharpur, District-East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III

For the Opposite Party/s : Mr. Madhuranand Jha (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 27-03-2015 Heard learned counsel for the petitioners learned

Additional Public Prosecutor for the State.

At the very outset, it has been stated by learned
counsel appearing on behalf of the petitioners that petitioner no.
2, namely, Mishri Lal Thakur, has been arrested during the
pendency of this application for anticipatory bail.

This application to the extent it relates to petitioner
no. 2 stands dismissed as having become infructuous.

The petitioner nos. 1, 3 and 4 seek anticipatory bail
in a case registered for the offences punishable under Sections
341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.



From the order dated 27.09.2013 passed by learned District and Sessions Judge, East Champaran, Motihari in A.B.P. No. 2158 of 2013, it appears that the learned Sessions Judge refused to entertain the petitioners' application as they had filed an application for anticipatory bail earlier also, bearing A.B.P. No. 818 of 2013, which was subsequently withdrawn and accordingly it was dismissed as withdrawn by an order dated 20.08.2013. In such circumstances, the learned Sessions Judge refused to entertain the petitioners' second application for anticipatory bail as they had withdrawn their earlier bail application without any leave to file another application for anticipatory bail. Learned counsel for the petitioners submits that it is true that earlier the petitioners had filed anticipatory bail petition before the court of learned Sessions Judge, East Champaran, Motihari vide A.B.P. No. 818 of 2013 but it was withdrawn by a learned counsel, who was not authorized by the petitioners to represent their case.

I do not find any genuineness in such plea. Under the facts and circumstances of the case, I do not feel inclined to grant the petitioners, the privilege of anticipatory bail in connection with Paharpur P.S. Case No. 19 of 2013, pending before Chief Judicial Magistrate, Motihari, East Champaran.

This application is, accordingly, rejected.

The petitioner nos. 1, 3 and 4, abovenamed, are directed to surrender before the court below within four weeks from the date of communication of this order to the court below and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on the basis of its own merit, without being prejudiced by rejection of their application for anticipatory bail by the present order.

It is indicated that I have not gone into the merits of the prosecution case, while rejecting the present application for anticipatory bail.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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