

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11132 of 2015

Arising Out of PS.Case No. -216 Year- 2013 Thana -AGAMKUAN District- PATNA

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Jayantry Gope & Ors

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gajendra Pd. Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-04-2015

Heard.

Learned counsel for the petitioners is permitted to make necessary correction.

The petitioners have renewed the prayer for anticipatory bail in the case registered under Sections 307 and 120B of the Indian Penal Code and section 27 of the Arms Act, with additional prayer under section 482 of the Cr. P.C. for modification of the order dated 02.04.2014 passed in Criminal Miscellaneous No.15664 of 2014, filed with prayer for the modification of the order dated 06.03.2014 passed in Criminal Miscellaneous No. 52090 of 2013, whereby the petitioner was granted anticipatory bail in Agamkuan P.S. Case No.216 of 2013, was dismissed.

The factual matrix of the case is that the petitioners were granted anticipatory bail by a co-ordinate bench (now

retired) of this court in connection with Agamkuan P.S. Case No.216 of 2013. Wherein it was stipulated that the petitioners were accused in two other cases being Agamkuan P.S. Case No.1 of 2013 and 179 of 2008. On surrender and execution of bail bonds, petitioners were released on bail.

Immediately after grant of bail, the petitioners came to know that they are also accused in Agamkuan P.S. Case No.188 of 2003, registered under sections 437, 447, 323, 307 and 504/34 of the Indian Penal Code and Agamkuan P.S. Case No.1 of 2010 registered under section 420 of the Indian Penal Code. Hence, the petitioners filed Criminal Miscellaneous No.15664 of 2014 for modification of the order dated 06.03.2014 passed in Criminal Miscellaneous No.52090 of 2013 to the extent of incorporating that the petitioners are accused in altogether four cases but a co-ordinate bench (now retired) of this court dismissed the modification application vide an order dated 02.04.2014. Consequently, the learned ACJM, Patna City, Patna, vide order dated 03.05.2014 cancelled the bail bonds of the petitioners.

Now the prayer for anticipatory bail has been renewed with additional prayer under section 482 of the Cr. P.C. for modification of order dated 02.04.2014 passed in Criminal

Miscellaneous No. 15664 of 2014, whereby the prayer for modification of the order for grant of anticipatory bail has been rejected, on the ground that in Agamkuan P.S. Case No. 188 of 2003, never any process was served or executed upon the petitioners. Though in the said case, the petitioners have now been granted anticipatory bail by the learned Sessions Judge, Patna and in Agamkuan P.S. Case No.1 of 2010, the petitioners have been acquitted.

Considering the factual matrix of the case, this court is not inclined to allow the prayer of the petitioners but since the petitioners were granted anticipatory bail on merit, it is a fit case for grant of regular bail, if the petitioners surrender within a period of four weeks in Agamkuan P.S. Case No.216 of 2013 pending before the learned ACJM, Patna City, Patna. It is expected from the court below to dispose off the application for regular bail preferably on same day.

With the above observation, this application, accordingly, is disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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