

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43998 of 2015

Arising Out of PS.Case No. -15 Year- 2011 Thana -BITHAN BAZAR District- SAMASTIPUR

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1. Saroj Yadav Son of Hari Narain Yadav Resident of village- Baghmara,
P.S. Kushesawar Asthan, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 14-10-2015 Heard Mr. Suraj Narayan Prasad Sinha, learned Senior
counsel for the petitioner and the APP for the State.

This is in fact second application filed for anticipatory bail
in connection with Bithan P.S. Case No. 15 of 2011 which has
given rise to S.T. No. 392 of 2014. Occurrence had taken place on
31.3.2011 in which 10 accused persons were named.

It is submitted that the police did not send the petitioner up
for trial on 30.6.2012. The Court differing with the report took
cognizance against the petitioner also on 27.8.2012. Like the
petitioner, two others were also not sent up who have been
privileged with anticipatory bail. After rejection of his prayer for
bail, the evidence of prosecution case has been recorded which
exonerated the petitioner.

Be that as it may, considering the fact that the petitioner's

prayer for anticipatory bail was rejected on 21.11.2013 (Annexure-1) whereafter he was supposed to surrender and seek bail, I am not persuaded to grant the privilege of anticipatory bail to the petitioner. Prayer is accordingly rejected.

Rejection of his prayer, however, shall not prejudice the case of the petitioner if he surrenders and prays for bail in the Court below itself which shall be considered taking into account all relevant facts in accordance with law.

(Kishore Kumar Mandal, J)

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