

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54310 of 2015**

Arising Out of PS.Case No. -85 Year- 2014 Thana -BALRAMPUR District- KATIHAR

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Sanjeev Kumar S/o late Tej Narayan Yadav Resident of Village- kolhua,  
Police station- Shankarpur, District Madhepura.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. J.N.Thakur(App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

2      13-01-2016                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

The petitioner is making second attempt for grant of  
anticipatory bail. His earlier application has been rejected by this  
court.

Learned senior counsel appearing on behalf of the  
petitioner submits that the present application is being referred in  
view of the changed circumstances as though two persons were  
alleged to have made defalcation one person who was the Circle  
Officer of the Block has deposited the entire amount involved in  
the case in the court below.

It is submitted that the petitioner is also similarly  
situated. He further submits that soon after the co-accused Suresh

Prasad deposited the amount he was extended the privilege of anticipatory bail in Cr. Misc. 43307/2015 vide order dated 30.09.2015 and therefore the petitioner may also be extended the similar benefit.

Considering the afore-mentioned facts and circumstances and also in view of the decision of the Hon'ble Apex Court in AIR 2010 SC1225 wherein it has been held that a successive application under Section 438 Cr.P.C. is not barred, let the petitioner, above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Balrampur P.S. Case No. 85/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anjana Mishra, J.)**

Vinita/-

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