

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5835 of 2016

Arising Out of PS.Case No. -457 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. RAM NARESH PRASAD YADAV @RAM NARESH YADAV, son of
Late Bachchu Prasad Yadav, resident of Village - Bijdhari, P.S. -
Kalyanpur, District - East Champaran.
2. Ram Bilash Kushwaha son of Late Rajbanshi Prasad, resident of Village -
Balirama, P.S. Chhauradano, District - East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Jai Mangal Singh, son of Late Amir Singh, resident of village and P.O.
Chikni, P.S. Raxaul, District - East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Adv.

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-02-2016 Heard Sri Virendra Kuar, learned counsel for the

petitioners and Sri Chandrasen Prasad Singh, learned Addl. Public

Prosecutor.

Two petitioners, apprehending their arrest in
connection with Complaint case no.457 of 2012, in which
cognizance order has been passed under Section 420 of the Indian
Penal Code, have prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioners
that earlier complaint petition was filed, which was referred for its
investigation under Section 156(3) of the Code of Criminal
Procedure and, thereafter, an F.I.R. was lodged. However, during



investigation, since no sufficient material was brought, final report was submitted by the police. The learned Magistrate differing with the police report took cognizance of the offence and, thereafter, petitioners prayed for grant of anticipatory bail, which was rejected by the learned Sessions Judge. Learned counsel for the petitioners submits that other two accused persons have already been extended the privilege of anticipatory bail.

On perusal of the impugned order, it is evident that the prayer for anticipatory bail of the petitioners was rejected, after the order of cognizance, long back in the year 2014 and the present anticipatory bail petition has been filed in the month of February, 2016.

Fact remains that the petitioners are Halka Karamchari and Panchayat Secretary respectively. Keeping in view the fact that anticipatory bail petition of the petitioners was rejected long back in the year 2014 that, too, after order of cognizance, I do not find any ground for extending the privilege of anticipatory bail.

The prayer for anticipatory of the petitioners stands rejected.

It goes without saying that if the petitioners appear before the court below within six weeks from today and make a prayer for regular bail, the learned court below without being

prejudiced with this order may examine the same, particularly the fact that other two accused have been granted anticipatory bail and pass appropriate order in accordance with law preferably on the same day.

(Rakesh Kumar, J)

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