

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 18071 of 2017

Arising Out of PS.Case No. -243 Year- 2016 Thana -MANER District- PATNA

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Randhir Kumar Mahto @ Randhir Mahto @ Randhir Kumar @ Randhir Kumar Verma, Son of Late Musafir Mahto, resident of Village- Gyaspur @ Madhopur, Police Station- Maner, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr.Adv.
Mr. Girish Chandra Sharma, Adv.
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.
Mr. Niranjan Parihar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 20-07-2017 Heard Sri Rajendra Narayan, learned senior counsel assisted by Sri Girish Chandra Sharma, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Niranjan Parihar, learned counsel for the informant.

The sole petitioner, who is named in the F.I.R. with specific accusation in Maner P.S. Case No. 243 of 2016 registered for offence under Sections 302, 379, 34 of the Indian Penal Code, has prayed for grant of anticipatory bail, primarily on the ground that as per F.I.R. itself, occurrence has taken place on 20-05-2016, whereas, F.I.R. was lodged on 25-05-2016 without any explanation of delay.

Learned senior counsel for the petitioner further



submits that prior to lodging of the present case, the petitioner himself had filed a case, vide Maner P.S. Case No. 235 of 2016, which was registered on 23-05-2016 against the informant side of the present case for offence under Sections 448, 323, 341, 324, 307, 34 of the Indian Penal Code. He submits that on the date of occurrence i.e. 20-05-2016 at about 11:00 P.M., the informant of the present case and other accused persons had assaulted petitioner's side and as such, it has been argued that a false case has been instituted. He further submits that one of the co-accused of the present case has been extended the privilege of anticipatory bail and as such, it is a fit case for extending the privilege of anticipatory bail.

Learned Addl. Public Prosecutor as well as learned counsel for the informant have opposed the prayer for bail and by way of referring to fact disclosed in the F.I.R., it was argued that there is specific accusation against the petitioner, in which, father of the informant was brutally assaulted, who died during treatment in P.M.C.H.

The Court is of the opinion that at the time of hearing anticipatory bail petition, only on the ground that there is delay in lodging F.I.R., one may not be extended the privilege of anticipatory bail. Once in the F.I.R., there is specific accusation, in



which death has occurred, there is no reason to entertain the petition for grant of anticipatory bail.

So far as submission of learned counsel for the petitioner that one of the co-accused has been extended the privilege of anticipatory bail is concerned, my conscious does not allow me to extend such privilege in a case, where there is specific accusation against the petitioner of participation in the occurrence, in which, death has occurred.

Accordingly, the prayer for anticipatory bail stands dismissed.

It goes without saying that if petitioner appears before the court below and makes a prayer for regular bail, the learned court below may not be prejudiced with this order and pass appropriate order in accordance with law, preferably; on the same date.

(Rakesh Kumar, J.)

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