

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11489 of 2017

Arising Out of PS.Case No. -332 Year- 2013 Thana -CHANDAUTI District- GAYA

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1. Lakhiya Devi, W/o Munna Chaudhary @ Mannu Chaudhary
2. Kailash Chaudhary, S/o Maksudan Chaudhary
3. Roushan Kumar, S/o Munna Chaudhary @ Mannu Chaudhary
4. Ranjeet Kumar, S/o Munna Chaudhary @ Mannu Chaudhary
5. Anjeet Kumar, S/o Munna Chaudhary @ Mannu Chaudhary All 1 to 5 are Resident of Village-kujapi, P.S.-Chandauti, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 28-03-2017 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chandauti Police Station Case No. 332 of 2013, disclosing offences under Sections 342, 323, 324, 325, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioners, who are of clean antecedents, are innocent and have not committed any offence. In fact, earlier prayer for anticipatory bail of petitioner Nos. 3 and 4, was rejected by the learned Session Judge, Gaya vide ABP No. 2256 of 2013. Thereafter, these petitioners surrendered before the court below and sought regular bail and, accordingly, by the order dated 26.11.2013, learned C.J.M., Gaya, considering the nature of offence, has been pleased to grant regular bail to the petitioners with the condition that if aggravated nature of



offence is disclosed, necessary order may be passed in this regard. The petitioners have not misuse the privilege of regular bail. Hence, the petitioners deserve the privilege of anticipatory bail.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail and submitted that once the anticipatory bail of these petitioners have been refused by the court below and they were granted regular bail, at this stage, prayer for anticipatory bail of these petitioners is not maintainable.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to these petitioners as not maintainable. Accordingly, the prayer for anticipatory bail of these petitioners is, hereby, rejected.

(Arvind Srivastava, J)

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