

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55008 of 2016

Arising Out of PS.Case No. -40 Year- 2007 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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1. Ratan Bharti @ Ratnesh Bharati, Son of Uma Nath Bharati, resident of Village- Panapur, Bateshwar Nath, P.S. Jandaha, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sri Krishna Ranjan

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 15-02-2017 Heard Mr. Ranjan for the petitioner. No one appears on behalf of the State.

This is the 3rd application filed on behalf of the petitioner seeking anticipatory bail in Jandaha P.S. case no. 40 of 2007 under Sections 328 and 302 of the Indian Penal Code.

The Court considered the case of the petitioner along with the case of other accused(s) on 02.04.2009 and disposed of the same granting the privilege of anticipatory bail to the applicants-petitioners during pendency of the investigation. On 20-06-2009, charge-sheet was laid by the Investigating Agency against the petitioner and other accused(s) finding the case true. In the circumstances, the petitioner once again approached this Court for grant of anticipatory bail which was considered and



disposed of on 14.09.2011 (Annexure-3) whereby appreciating the fact that one of the co-accused(s) had been privileged with regular bail by the Court permitted the petitioner to surrender and apply for bail and place all the relevant facts including the said order granting bail to one of the co-accused(s) which was directed to be considered and disposed of in accordance with law. Instead of doing so, the petitioner waited for 05 years and now filed the present application. It is stated that in the meanwhile FSL report has been received which nullifies the case of the prosecution.

Be that as it may, as the petitioner defied the order dated 14.09.2011, this Court is not persuaded to grant the application. It will be open to the petitioner to surrender and apply for bail in the light of the attending facts.

(Kishore Kumar Mandal, J.)

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