

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19696 of 2018

Arising Out of PS. Case No.-17 Year-1999 Thana- PHENHARA District- East Champaran

Radha Kant Pandey, S/o-Binda Pandey, R/o-Village- Rupaulia, P.S.-
Phenhara, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned counsels for the petitioners and State.

The petitioner has renewed his prayer for anticipatory bail in a case registered for the offences punishable under Section 376 of the IPC.

The prosecution case is that on 09.01.1999 when the informant was sleeping with her children in the night in a room, the petitioner and co-accused Jatan Pandey entered into the room, when petitioner pointed the pistol on the temporal region of the informant, while co-accused Jatan Pandey ravished her, thereafter, the petitioner also ravished the informant. Initially Complaint Case No. 20C of 1999 was filed, but subsequently, the complaint, being transferred under Section 156(3) of the Cr. P.C., the police case was registered. Though, petitioner's earlier bail application was dismissed as withdrawn vide order



dated 09.11.2009, passed by co-ordinate Bench of this Court in Cr. Misc. No. 36294 of 2009, as contained in Annexure-1, but the petitioner has renewed the prayer for bail, since co-accused has been acquitted vide judgment dated 22.12.2012, passed by learned 7th Addl. Sessions Judge, East Champaran at Motihari, in S. Tr. No. 672 of 2012. Moreover, on conclusion of investigation, the petitioner was not sent up for trial.

Considering the fact that petitioner's earlier bail application was permitted to be withdrawn on 09.11.2009, co-accused was acquitted in the year 2012 and the present prayer has been renewed in the year 2018, this Court is not inclined to interfere.

Accordingly, the prayer for anticipatory bail is rejected in connection with S. Tr. No. 742 of 2012, arising out of Phenhara P.S. Case No. 17 of 1999, pending in the court of learned 7th of Addl. Sessions Judge, East Champaran at Motihari.

However, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, keeping in view that co-accused has been acquitted.

Amrendra/-

(Dinesh Kumar Singh, J)

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