

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1926 of 2018

Arising Out of PS.Case No. -126 Year- 2010 Thana -BARAHIYA District- LAKHISARAI

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Chandra Shekhar Kumar Singh, S/o Prashuram Singh, R/o Chotki Kopa,
P.S. Naubatpur, District-Patna Presently Posted as Junior Engineer Rural
Works Deptt. Ara, Works Division Ara.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Uma Shankar Sharma, Advocate

For the Opposite Party : Mr. Sri Harendra Prasad. APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 15-01-2018

Heard learned counsel for the petitioner

and learned APP for the State.

The petitioner has renewed the prayer for anticipatory bail in connection with Barahiya P.S. Case No. 126 of 2010 registered for the offences punishable under Sections 406, 409, 420, 467, 468 and 471/34 of the Indian Penal Code, pending in the Court of learned Chief Judicial Magistrate, Lakhisarai.

Accusation is of misappropriating the funds by preparing a wrong measurement book, concerning digging of earth.

The petitioner's earlier anticipatory bail



application was rejected by a co-ordinate Bench of this Court vide order dated 11.02.2015 passed in Cr. Misc. No. 35440 of 2014, as contained in Annexure-1. The said order was challenged by the petitioner in SLP (Crl.) No. 14592 of 2015 and the same was also dismissed by the Supreme Court.

Now the petitioner has renewed the prayer on the ground that the petitioner is ready to deposit the alleged amount and the fact that the similarly situated co-accused Rakesh Kumar and Manoj Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court.

Considering the fact that the co-ordinate Bench of this Court rejected the prayer for anticipatory bail of the petitioner on the ground that the FIR was lodged in 2010, whereas the prayer for anticipatory bail was made in 2015 while considering the fact that co-accused Rakesh Kumar and Manoj Kumar having identical accusation have been granted anticipatory bail, this Court is not inclined to exercise the jurisdiction under Section 438(2) Cr.P.C.

Petitioner is expected to surrender and pray for regular bail which will be considered by the learned Court below without being prejudiced by the order of this Court keeping in view the fact that the similarly situated co-accused



persons have been granted anticipatory bail.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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