

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2043 of 2018

Arising Out of PS.Case No. -163 Year- 2015 Thana -SURSAND District- SITAMARHI

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Sipin Kumar S/o Indu Rai, R/o Vill.- Agar- Majhaura, P.S. Sursand,
District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 02-05-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 323, 341, 376/511 and 379/34 of the Indian Penal Code.

The prosecution case is that the petitioner and other co-accused persons made an attempt to ravish the daughter of the informant.

On an earlier occasion, the petitioner had preferred Cr. Misc. No. 38385 of 2015 with a prayer for anticipatory bail but it was permitted to be withdrawn vide order dated 14.09.2015 on the prayer of the counsel for the petitioner on



the ground that final form has been submitted under bailable provisions of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that on wrong instruction the submission was made but, in fact, the final report was submitted against the petitioner under Sections 323, 341, 354, 354A and 504/34 of the Indian Penal Code on 24.08.2015 and consequently vide order dated 06.08.2016 the cognizance was taken for offences under Sections 323, 341, 354, 354A, 354D and 504/34 of the Indian Penal Code and process has been directed to be issued against the petitioner, hence, the present second anticipatory bail application. It is further submitted that the accusation against the petitioner and other two co-accused persons is almost the same, but the other co-accused Bhanu Kumar and Jagdish Mahto were not sent up for trial by the investigating agency, and they have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.11.2017 passed in Cr. Misc. No. 55235 of 2017, as contained in Annexure-3.

Considering the fact that the petitioner's earlier anticipatory bail application was permitted to be withdrawn on the wrong submission of learned counsel for the petitioner that the final form has been submitted under bailable provisions of the



Indian Penal Code, this Court is not inclined to revise the earlier order. Moreover, co-accused persons have been granted anticipatory bail since on conclusion of the investigation they were not sent up for trial hence, their case stands on quite different footing to that of petitioner.

In the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Sursand P.S. Case No. 163 of 2015, pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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