

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46103 of 2018

Arising Out of PS. Case No.-487 Year-2015 Thana- BIRAUL District- Darbhanga

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1. Farukh Ansari @ Farooque Ansari @ Md. Faruque Ansari @ Faruque Ansari, S/o Makhbul Ansari,
 2. Jakiya Khatoon W/o Farukh Ansari @ Farooque Ansari,
Both residents of village- Hathauri, P.S.- Kusheswar Asthan,
Distt.- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 31-10-2018 This is the second attempt for grant of anticipatory bail on behalf of petitioners.

Long back on 19-05-2016, the prayer for anticipatory bail of both the petitioners was rejected vide Cr. Misc. No. 19575 of 2016 and now, second anticipatory bail petition has been filed in the month of July, 2018 with a stand that now situation has changed.

It was submitted by learned counsel for the petitioners that compromise in between the parties has already taken place. Fact remains that the case i.e. Biraul P.S. Case No. 487 of 2015 was registered for the offence under Sections 363, 366 A of the Indian Penal Code and Section 6 of the POCSO Act. In the case, victim was aged about 13 years. Moreover, the offence alleged



was not compoundable. Learned counsel for the petitioners has further placed reliance on a judgment of the Hon'ble Supreme Court to show that second anticipatory bail petition in changed circumstances can be entertained. Considering serious nature of accusation as well as the fact that long back in the year, 2016 the prayer for grant of anticipatory bail was rejected on merit, I do not think it proper to reconsider the same prayer.

The prayer for anticipatory bail of the petitioners stands again dismissed. While dismissing the prayer for anticipatory bail of the petitioners, it is desirable to observe that the concerned Superintendent of Police may examine as to under what circumstances, despite the fact that anticipatory bail of the petitioners was rejected long back on 19-05-2016, till date they are still at large.

Let a copy of this order be sent to the concerned Superintendent of Police for taking appropriate steps.

(Rakesh Kumar, J.)

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