

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45079 of 2018

Arising Out of PS. Case No.-78 Year-2016 Thana- PUSA District- Samastipur

Surendra Kumar Singh, son of Late Nathuni Singh, resident of village - Kon Bajitpur, P.S.- Samastipur (M), District- Samastipur. At present Resident of village - Bhorsand, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Ranjan Kumar, Advocate

For the Opposite Party/s : Sri Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 26-09-2018 Heard Sri Ranjan Kumar, learned counsel for the petitioner and Sri Nirmal Kumar Sinha, learned Additional Public Prosecutor.

The petitioner, has renewed his prayer for grant of bail in connection with Pusa P.S. Case No. 78 of 2016, registered for the offence under Section 364/366(A)/34 of the Indian Penal Code, 1860, primarily on the ground that one of the co-accused namely: Jitendra Kumar has been granted bail i.e. in Criminal Appeal (SJ) No. 3534 of 2017.

Earlier, the prayer for bail of the petitioner was rejected considering seriousness of the accusation as well as statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973 . The plea which has been taken by



learned counsel for the petitioner that one of the accused has been granted bail appears to be misconceived. It is evident that Jitendra Kumar (co- accused) was separately tried and he has already been held guilty, and thereafter, in Appeal he has been granted privilege of bail, and as such, petitioner's case can not be equated with the case of such accused person. Since on merit prayer for bail was already rejected, there is no reason to entertain the present petition without any specific change of circumstance.

The petition stands dismissed.

(Rakesh Kumar, J)

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