

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55157 of 2018

Arising Out of PS. Case No.-389 Year-2015 Thana- HAJIPUR SADAR District- Vaishali

Vikki Kumar S/o Satya Narain Thakur, R/o Vill.- Patilhi, P.S.- Hajipur Sadar,
Distt.- Viashali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Shahnawaj S/o Md. Jamaluddin Khan, R/o Vill.- Patilhi, P.S.- Hajipur Sadar, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. L. K. Sharma Mr. Rajesh Kumar
For the Informant	:	Mr. Arun Kumar Arun Mr. Shankar Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-09-2018 This is second anticipatory bail application filed on behalf of the petitioner.

The petitioner is an accused of Hajipur Sadar P.S. Case No. 389 of 2015 for the alleged offences under Sections 366(A), 365, 120B/34 of the Indian Penal Code. His earlier application for bail was rejected by order dated 20.08.2016, passed in Criminal Misc. No. 24597 of 2016.

Learned counsel for the petitioner is relying on an order of this Court dated 28.02.2018, passed in Criminal Misc. No. 46641 of 2017, which also arose out of the same First Information Report, whereby this Court has granted anticipatory



bail on second attempt to the petitioner of that case. Reliance is also being placed on another order passed on 05.12.2016 in Criminal Misc. No. 51221 of 2016, whereby certain other co-accused persons have been granted anticipatory bail.

I am not inclined to entertain this application for anticipatory bail for two reasons. Firstly, the petitioner's prayer for anticipatory bail was rejected in August, 2016. There is nothing mentioned in the application that after rejection of his anticipatory bail, any attempt has been made by the Police to arrest him. Secondly, the prayer for anticipatory bail was refused because learned counsel for the petitioner had produced before the Court the photocopy of the case diary. With an observation that an accused is not entitled to get a copy of the case diary during the course of investigation and the petitioner must have illegally procured the case diary in course of investigation, the prayer for anticipatory bail was rejected.

This application is, accordingly, dismissed.

The petitioner is directed to surrender before the court below within two weeks from today. If he does so and seeks regular bail, his application shall be considered without being prejudiced by the rejection of the present anticipatory bail application. The court below, in that event, shall keep in mind



that other co-accused persons have been granted anticipatory bail by this Court; while considering his application for regular bail.

(Chakradhari Sharan Singh, J)

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