

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12777 of 2018**

Arising Out of PS.Case No. -782 Year- 2012 Thana -COMPLAINT CASE District- SUPAUL

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1. Birbal Sharma, S/o Late Ramji Sharma,  
2. Dinesh Sharma, S/o Late Mangal Sharma,  
Both R/o Village- Laxminia, P.S. & District- Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Rina Devi, D/o Basant Sharma, R/o Village- Laxminia, P.S. & District-  
Supaul.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun, Advocate.  
For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2      09-03-2018                      Heard learned counsel for the petitioners and the  
  
State.

The petitioners apprehend their arrest in **Complaint**  
**Case No. 782C of 2012** instituted for the offence under Sections  
448 and 376/34 of the Indian Penal Code.

The prayer for anticipatory bail of this petitioner was  
earlier dismissed as withdrawn as it appears from order dated  
19.04.2014 passed in Cr. Misc. 9519 of 2014 (Annexure-1).

Learned counsel for the petitioner has submitted that  
initially police investigated the case and submitted final form.  
Thereafter, on the basis of protest petition, the learned Magistrate  
has found *prima facie* case against the petitioner for the offence



under Sections 448, and 376/34 of the Indian Penal Code. The petitioner preferred Criminal Revision No. 184 of 2013 before the learned Sessions Judge which was dismissed on 10.4.2015 and, thereafter, petitioners have filed fresh anticipatory bail application.

This Court finds that anticipatory bail application of the petitioner was earlier rejected by this Court in the year 2014. The petitioner did not surrender in court below thereafter.

Accordingly, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail, which will be considered by the court below in accordance with law without being prejudiced by this order.

**(Sanjay Priya, J)**

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