

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4794 of 2019

Arising Out of PS. Case No.-253 Year-2017 Thana- NAUBATPUR District- Patna

Niraj Singh @ Neraj Singh Son of Late Shikhar Narayan Singh Resident of
village-Khajoori

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Ishwar Prasad

For the Opposite Party/s : Mr.Mukeshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 29-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Naubatpur P.S. Case No. 253 of 2017 for the offence under Sections 341, 342, 323, 307, 354 and 356/34 of the Indian Penal Code.

The petitioner had earlier approached this Court for grant of anticipatory bail by filing an application, giving rise to Cr. Misc. No. 17258 of 2018, which was dismissed by an order dated 10.04.2018. The petitioner seeks to renew the said prayer.

It is the case of the petitioner that subsequent to rejection of petitioner's application for anticipatory bail, this Court has allowed anticipatory bail to co-accused Deepak Kumar by order dated 20.09.2018 passed in Cr. Misc. No.55423 of 2018. Learned counsel appearing on behalf of the petitioner



contends that the reason for grant of anticipatory bail to co-accused Deepak Kumar is available for this petitioner also.

Considering the facts and circumstances of the case, I dispose of this application with a direction to the petitioner to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If the petitioner surrenders within four weeks and he applies for regular bail, his application shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail and disposed of on the same day.

The Court below while considering the petitioner's application for regular bail shall keep in mind the reasons assigned in the order dated 20.09.2018, whereby co-accused Deepak Kumar has been granted anticipatory bail and the fact that similarly circumstanced co-accused persons have been allowed bail.

(Chakradhari Sharan Singh, J)

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