

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11138 of 2019

Arising Out of PS. Case No.-44 Year-2016 Thana- TARAIIYA District- Saran

RAJENDRA MAHTO Son of Ram Jatan Mahto Resident of Village and P.O.-
Pokhrera, P.S.- Taraiya, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-02-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Taraiya P.S. Case No. 44 of 2016 for the offence under Sections 341, 323, 326, 306 and 504/34 of the Indian Penal Code.

There are two reasons why I do not intend to entertain this application. Firstly, though the petitioner was named in the First Information Report in 2016 itself, he has approached this Court three years thereafter. His application before the Sessions Judge was also filed in 2018. Secondly, considering the fact that petitioner is an accused of an offence punishable under Section 302 of the Indian Penal Code, in view of the Supreme Court's decision in case of *Jai Prakash Singh vs. The State of Bihar and Others*, reported in **2012(4) SCC 379**, I am not inclined to entertain this application. It is accordingly dismissed.



The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail 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.

(Chakradhari Sharan Singh, J)

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