

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43402 of 2019**

Arising Out of PS. Case No.-126 Year-2018 Thana- KOILWAR District- Bhojpur

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RITESH KUMAR SINGH @ JHHUNU SINGH @ JHANNU SINGH Son of
Jagarnath Singh Resident of Village - Birampur, P.S.- Koilwar, Distt -
Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 04-09-2019 Heard both sides.

The petitioner apprehends his arrest in Koilwar P.S.
Case No.126 of 2018 registered under Section 395 of the Indian
Penal Code.

The learned counsel for the petitioner submits that
petitioner earlier filed Cr. Misc. No.79976 of 2018 which was
dismissed as withdrawn on 10.01.2019 on the request of the
learned counsel for the petitioner to withdraw the same as
petitioner has no apprehension of his arrest. Learned counsel for
the petitioner submits that benefit of Section 41(A) of Cr.P.C.
was given to the petitioner but it does not mean that the
petitioner has got no apprehension of arrest. One Jagarnath
Singh was arrested and he was granted bail. There is no material



against the petitioner to show the complicity of the petitioner but it appears that similarly situated co-accused namely, Jagarnath Singh has already been granted bail by the learned Chief Judicial Magistrate vide order dated 27.10.2018 itself. The case of the petitioner stands on the same footing.

Taking into consideration the fact that once anticipatory bail petition of the petitioner was dismissed as withdrawn on the request of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, learned court below shall consider the prayer for regular bail of the petitioner taking into consideration the fact that co-accused, Jagarnath Singh was granted regular bail and dispose of the bail petition of the petitioner preferably on the same day.

(Prabhat Kumar Jha, J)

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