

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.694 of 2019

Arising Out of PS. Case No.-43 Year-2017 Thana- KISHUNPUR District- Supaul *

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1. Ranjeet Kumar Choudhary @ Ranjit Chaudhary Son of Shyam Sunder Choudhary, Resident of village- Kumarganj, Kishanpur, P.S.- Kishanpur, District – Supaul.
 2. Sanjay Kumar @ Sri Sanjiv Kumar, Son of Ram Deo Yadav, Resident of Village- Kishanpur, P.S.- Kishanpur, District- Supaul
 3. Sanjeet Kumar @ Sanjiv Kumar Son of Mahadeo Choudhary@ Ram Nath Choudhary, Resident of village- Kumra Ghat, Baharmer, P.S.-Bihra, District – Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Yogesh Chandra Verma, Sr. Advocate
	: Mr. Bal Govind Sharma, Adv.
For the State	: Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 13-03-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kishanpur P.S. Case No. 43 of 2017 for the offence punishable under Sections 409 and 420 of the Indian Penal Code.

Learned Senior counsel appearing for the petitioners submits that earlier the prayer for grant of anticipatory bail of these petitioners had been rejected vide order dated 23.08.2017 passed in Cr. Misc. No. 28579 of 2017 by this Court and this is the second time the petitioners have come before this Court for grant of anticipatory bail in view of the fact that the main accused who



happens to be Block Development Officer, Kishanpur has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 71458 of 2018. Statement to that effect has been made in paragraph-2 of the supplementary affidavit filed on behalf of the petitioner, which has been supported by Annexure-1 to the said affidavit. Hence, the petitioners, who neither happen to be government official nor indulged in misappropriation of any government money, may be extended the privilege of anticipatory bail.

Learned A.P.P. appearing on behalf of State has vehemently opposed and informs that not only the petitioners have come again before this Court for grant of anticipatory bail but also even after lapse of one year and five months after rejection of their earlier prayer of anticipatory bail. Although the prayer for grant of anticipatory bail of these petitioners had been rejected in the year 2017 but the petitioners instead of surrendering before the court below and to seek regular bail chosen to enjoy their apprehension even after rejection of their prayer for anticipatory bail.

Considering the facts and circumstances of the case and taking note of the conduct of the petitioners, this Court is not inclined to grant the privilege of anticipatory bail to these petitioners. Accordingly, the prayer for bail of these petitioners is rejected. The petitioners are directed to surrender before the



court below within one week and may pray for regular bail before the concerned court below, if he does so, the court below shall dispose of the application for bail of the petitioners on its own merit without being prejudiced by the order of this Court.

(Arvind Srivastava, J)

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