

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45846 of 2019**

Arising Out of PS. Case No.-3 Year-2017 Thana- RAJEPUR District- East Champaran

Maharana Pratap Roy Son of Late Paldhari Roy, Resident of Village-Fajilpur,  
P.S.-Rajepur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      14-08-2019                      Heard the learned counsel for the petitioner and the  
learned A.P.P. for the State, Mrs. Anita Kumari Singh.

The present petition for grant of regular bail is a second attempt at the behest of the petitioner herein in connection with Rajepur P.S. Case No. 03 of 2017 registered for the offences punishable under Sections 147, 148, 149, 447, 504, 341, 323, 324, 307, 326 and 386 of the Indian Penal Code and Section 27 of the Arms Act, inasmuch as the prayer of the petitioner for grant of regular bail was earlier rejected by an order dated 06.07.2018 passed in Cr. Misc. No. 25864 of 2018.

The allegation as per the prosecution is regarding the accused persons having assaulted and inflicted gun shot injury resulting in death of the deceased.



The learned counsel appearing for the petitioner has submitted that the petitioner is languishing in custody since 08.11.2017 and there is no chance of completion of the trial in near future. The learned counsel has also taken this Court on merits of the case while referring to the fardbeyan of the informant dated 10.01.2017. Lastly, it has been submitted that the co-accused person, namely, Jitendra Rai @ Jitendra Kumar Rai has been granted bail by a co-ordinate Bench of this Court by an order dated 09.04.2019 passed in Cr. Misc. No. 68494 of 2018.

Per contra, the learned A.P.P. has opposed the prayer for grant of regular bail to the petitioner herein.

I have heard the learned counsel for the parties and it is apparent from the earlier order of this Court dated 06.07.2018 that there is ample material in the case diary to proceed against the petitioner and the petitioner had admittedly, engaged in indiscriminate firing from firearms, resulting in injury to various persons, hence, the petition of the petitioner for grant of regular bail was rejected.

This Court finds that there has been no change in circumstance from the time the prayer of the petitioner for grant of regular bail was rejected by this Court earlier by an order



dated 06.07.2018 till date, hence, there is no occasion to reconsider the prayer for grant of regular bail to the petitioner again. It is pertinent to state here that grant of bail to co-accused person does not amount to change in the circumstances, for the purposes of consideration of a bail application.

Having regard to the facts and circumstances of the case and for the reasons stated herein above, I do not find any merit in the present petition for grant of regular bail to the petitioner herein, hence, the same is dismissed.

**(Mohit Kumar Shah, J)**

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