

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51960 of 2019**

Arising Out of PS. Case No.-318 Year-2018 Thana- MANER District- Patna
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RADHA KRISHNA, aged about 29 years, male, Son of Rameshwar Prasad
Resident of Village-Maner, Bazar, P.S.-Maner, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Prasad Singh, Advocate.

For the Opposite Party: Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner renews his prayer for anticipatory bail in connection with Maner P.S. Case No. 318 of 2018 for the offence alleged under Sections 304/34 of the Indian Penal Code having earlier been rejected by order dated 26.02.2019 in Cr. Misc. No. 64746 of 2018.

3. Learned counsel for the petitioner submits that co-accused Mithilesh Kumar Mishra who is said to have conducted the operation at the instance of the petitioner, has been granted anticipatory bail by the learned Court below itself in ABP No. 8203 of 2018 which fact could not be brought before this Court at the time of passing of the order dated 26.02.2019.

4. This Court is of the view that the petition cannot be



entertained in absence of any fresh materials or subsequent development since the petitioner's prayer for anticipatory bail was rejected by order dated 26.02.2019. Co-accused Mithilesh Kumar Mishra was granted anticipatory bail by order dated 07.01.2019 and the same therefore does not constitute a valid ground for reconsideration of the prayer for anticipatory bail. More significantly the petitioner had approached the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 2871 of 2019 and the said SLP has been dismissed by order dated 10.04.2019.

5. This Court sees no merit in the petition and the petition stands dismissed.

(Vikash Jain, J)

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