

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2079 of 2019

Arising Out of PS. Case No.-23 Year-2013 Thana- MAHILA P.S. District- Saran

Satya Prakash, son of Radhey Shyam Baitha, resident of Green Enclave,
Block – O, Flat No. 101, Kadama, P.O. and P.S. - Kadama, Near Rankini
Mandir, Jamshedpur, District – Bokaro (Jharkhand).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suraj Narayan Sinha, Sr. Advocate

Mr. Mukul Prasad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Mahila P.S. Case No. 23 OF 2013 vide U.T. No. 40 of 2018 registered under Sections 376/313/506/34 of the Indian Penal Code pending in the court of learned A.C.J.M.-XII, Saran at Chapra.

This is the second attempt of the petitioner to avail privilege of anticipatory bail from this court. Earlier, Cr. Misc. No. 20351/2014 was filed by the petitioner which was dismissed on 05.08.2014.

Learned Senior Counsel representing the petitioner submits that the petitioner had moved this court under Section 482 Cr.P.C. challenging the order taking cognizance by the



learned Magistrate who had differed with the police report and had issued summons to the petitioner for the offences under Section 376 and 417 of the I.P.C.

Referring to the order and judgment present at Annexure-4 series, learned Senior Counsel for the petitioner submits that this court had stayed the further proceeding in the court below during pendency of Cr. Misc. No. 13638/2014, but the challenge to the order taking cognizance ultimately failed when this court dismissed the application on 09.10.2017 with a direction to the court below to expedite the trial. The petitioner was given liberty to raise all his defence at the stage of trial.

Learned Senior Counsel submits that after the aforesaid judgment was passed on 09.10.2017, the petitioner has entered into a compromise with the informant whereunder in the changed circumstances now the petitioner may be granted privilege of anticipatory bail.

Submission of learned Senior Counsel is that no case is made out against the petitioner is not worth consideration by this court sitting in its anticipatory bail jurisdiction when application under Section 482 Cr.P.C. of the petitioner has already been rejected.

Learned A.P.P. for the State is present and has opposed



the prayer for anticipatory bail of the petitioner.

In the facts and circumstances, this court is of the considered opinion that the petitioner is unable to make out a case of 'changed circumstance' for maintaining a repeated bail application. His earlier application was dismissed as back as on 05.08.2014 and thereafter the application under section 482 Cr.P.C. has also been dismissed. The Submission of learned Senior Counsel for the petitioner that now there is a 'compromise' between the parties would not merit any consideration because in a case of heinous nature such as under section 376 I.P.C., the word 'compromise' would not be a word of magic to hold that it is a changed circumstance.

This application has thus no merit. It is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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