

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23018 of 2020**

Arising Out of PS. Case No.-152 Year-2019 Thana- MADANPUR District- Aurangabad

KAUSHAL KISHOR PRASAD @ KAUSHAL KISHORE MEHTA @
KAUSHAL KISHORE MAHTO Son of Fonu Mahto Resident of Village-
Baniya, P.S.-Madanpur, District-Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Adv.
Mr. Vijay Anand, Adv.
For the Opposite Party/s : Mr. Ram Naresh Roy, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 05-10-2020 Heard Mr. N. K. Agarwal, learned senior counsel for
the petitioner and Mr. Ram Naresh Roy, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with
Madanpur PS Case No. 152/2019 registered for the offence
punishable under Sections 413/414 of the IPC and 7 of the E.C.
Act.

3. The allegation, as per FIR, against the petitioner is
that the stolen iron rod and other articles were recovered from
the premises of co-accused, Chitranjan Prasad @ Sardar, who
happens to be brother of petitioner and name of the petitioner
has been disclosed by the said co-accused, Chitranjan Prasad @
Sardar as one of the accomplices of the co-accused.



4. Learned senior counsel for the petitioner submits that this is the second attempt for anticipatory bail by the petitioner inasmuch as earlier application for anticipatory bail of the petitioner was rejected by this Court vide order dated 20.12.2019 passed in Cr. Misc. No. 84865/2019.

5. Learned senior counsel further submits that from perusal of the First Information Report, it would be evident that no stolen article has been recovered from the possession of the petitioner and the same has been recovered from the premises of the co-accused, Chitranjan Prasad @ Sardar. Learned counsel referring to Annexure-3, submits that the co-accused, Chitranjan Prasad @ Sardar has been granted anticipatory bail by this Court vide order dated 06.03.2020 in Cr.Misc. No. 67017/2019.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that anticipatory bail of the petitioner was rejected earlier, this Court is not inclined to grant anticipatory bail to the petitioner in the second attempt.

7. However, if the petitioner surrenders before the court below within a period of four weeks and seeks regular bail, the court below may consider his application for regular bail on the same date without being prejudiced to the fact that



the present application for anticipatory bail has been rejected by
this Court.

(Anil Kumar Sinha, J)

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