

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28054 of 2020**

Arising Out of PS. Case No.-36 Year-2019 Thana- BISHUNPUR District- Darbhanga

1. AMIT SAHANI @ AMIT KUMAR SAHANI @ AMIT SAHNI S/o Hira Sahni @ Hira Sahani Resident of Village-Phulwariya, P.S.-Bishanpur, District-Darbhangha.
2. Sanjiv @ Pappu @ Sanjiv Sahni @ Sanjeev Kumar Sahani @ Sanjeev Kumar S/o Hira Sahni @ Hira Sahani Resident of Village-Phulwariya, P.S.-Bishanpur, District-Darbhangha.
3. Raja Sahni @ Raja Kumar Sahani @ Raja Sahani S/o Shobhit Sahni @ Shobhit Sahani Resident of Village-Phulwariya, P.S.-Bishanpur, District-Darbhangha.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh -1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-11-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned APP for the State.

This is the second attempt of the petitioners to obtain anticipatory bail in connection with Bishanpur P.S. Case No. 36 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 341, 504, 509 of the Indian Penal Code.



Earlier the prayer for anticipatory bail of the petitioners was rejected by this Court vide order dated 12.12.2019 passed in Cr. Misc. No. 80595 of 2019 after noticing that there are specific allegation of assault against these petitioners which are corroborated from the injury report and then the petitioners have got criminal antecedents. At the relevant time also learned counsel for the petitioners had submitted before this Court that three co-accused have been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court but this Court was not persuaded to grant anticipatory bail to these petitioners after recording that not only the injury report of the victims of these petitioners are corroborating the version of the informant, the petitioners have also got criminal antecedents which facts were perhaps not brought to the notice of the learned Co-ordinate Bench of this Court.

Learned counsel for the petitioners submits that after the aforesaid order was passed by this Court, another co-accused Deepak Sahni has been granted privilege of anticipatory bail by another learned Co-ordinate Bench of this Court vide order dated 15.16.2020 after noticing that the injury report of the informant which was brought as Annexure '2' to the petition



was showing a simple injury caused by hard and blunt substance. The said injury was found simple in nature. In course of his submission while answering the query of this Court learned counsel for the petitioners has submitted that said Deepak Sahni who has been granted privilege of anticipatory bail in Cri. Misc. No. 11705 of 2020 has also got criminal antecedent but from the order of the learned Co-ordinate Bench of this Court learned counsel is unable to show that the criminal antecedent of the said petitioner has been pointed out.

In the opinion of this Court, grant of anticipatory bail to a co-accused subsequent to rejection of the prayer of the petitioners cannot be said to be a change of circumstance and it cannot be a reason for seeking to file repeated anticipatory application, moreover, in the facts of the present case where this Court has already taken note of the submission of the petitioners in the earlier application and after noticing the criminal antecedents, taking the same as one of the reasons, this Court did not feel incline to grant privilege of anticipatory bail to them. This Court finds no reason to entertain second application. The petitioners are having two criminal antecedents as stated in paragraph '3' of the application and even in the present application there is no statement that whether they are



on bail in those cases which are of the year 2017, 2018 and 2019. While granting privilege of anticipatory bail, as has been held by the Hon'ble Apex Court, the conduct of the petitioner is a relevant consideration.

This Application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

