

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25339 of 2020**

Arising Out of PS. Case No.-8 Year-2019 Thana- RAJEPUR District- East Champaran

1. Manoj Sah, S/o Bhikhari Sah, Resident of Village-Lahladpur, P.S-Rajepur, District-East Champaran.
2. Prem Sah @ Prem Kumar, S/o Durga Sah, Resident of Village-Lahladpur, P.S-Rajepur, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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

2 25-09-2020 Heard learned counsel for the petitioners and Mr. Sanjay Kumar, learned APP for the State.

The petitioners in the present case have moved once again after one year of the earlier rejection for grant of anticipatory bail in connection with Rajepur P.S. Case No. 8 of 2019 registered for the offences punishable under Sections 147, 341, 324, 307, 379, 504 of the Indian Penal Code and Sections 3, 5, 7 of the Witch and Craft Act (Dain Act).

It appears that while considering the prayer for bail of altogether 8 petitioners in Cr. Misc. No. 42456 of 2019, this Court had considered the prayer for bail of the petitioners also but their prayer was rejected on noticing that there are specific allegations against them of using deadly weapon and causing injury on the vital part of the body. This Court had, however, allowed some of the



petitioners in the said case the privilege of anticipatory bail.

Learned counsel for the petitioners submits that there is a change of circumstance inasmuch as it would appear from Annexure '2' that the Civil Surgeon, Motihari, East Champaran had called the patient Devendra Sah for medical examination but he has not turned up.

This Court is unable to accept this as a change of circumstance for accepting the second petition seeking anticipatory bail. It appears that the specific allegation against the petitioner no. 1 is that he had assaulted by sword to one Rajendra Sah and petitioner no. 2 fired from his pistol which caused injury to Rupesh Sah. The injury report of Rajendra Shah is enclosed with the petition itself and the injuries have been mentioned there. It is for this reason that this Court had earlier rejected the prayer for anticipatory bail of the petitioners. In the opinion of this Court, the petitioners are unable to demonstrate any change of circumstance so as to persuade this Court to entertain their prayer for anticipatory bail in second attempt after one year.

The application is dismissed.

(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'.

