

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1142 of 2020

Arising Out of PS. Case No.-72 Year-2013 Thana- SIKTA District- West Champaran

Sheikh Samsher @ Samsher Alam, Son of Sheikh Samshul, Resident of
Village - Jhumka, P.S.- Sikta, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-01-2020 Defect pointed out by the stamp reporter is ignored.

The petitioner has renewed his prayer for grant of pre-arrest bail in connection with Sikta P.S. Case No. 72 of 2013 registered inter alia under Section 307 of the Indian Penal Code.

Earlier also, he had filed an application under Section 438 of the Code of Criminal Procedure vide Cr. Misc. No. 55436 of 2015 before this Court for grant of pre-arrest bail along with five others.

Vide order dated 29.01.2016, while granting bail to five others, who had applied for bail together with the petitioner, the application for grant of pre-arrest bail of the petitioner was rejected. The operative part of the order is reproduced hereinunder:-

“Regard being had to the allegation that



petitioner no.1, namely, Sheikh Samsher @ Samsher Alam assaulted the informant with spear, I am not inclined to grant him anticipatory bail. Accordingly, the application as far as petitioner no.1, Sheikh Samsher @ Samsher Alam, is rejected.

Since there is no specific allegation of overt act against petitioners no.2 to 6, namely, Imteyaz @ Imteyaz Alam, Sheikh Saifullah, Sheikh Samsul @ Samsul Haque and Noorname Khatoon respectively, in the event of arrest/surrender in the court below within six weeks from today, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Jitesh Kumar, Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Trial No.3702 of 2015 arising out of Sikta P.S. Case No.72 of 2013 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure”.

Being aggrieved by the order dated 29.01.2016 passed in Cr. Misc. No.55436 of 2015, the petitioner filed Special Leave to Appeal (Crl.) No.3699 of 2016 before the Supreme Court of India. The Supreme Court vide order dated 10.05.2016 dismissed the special leave petition observing that no ground for interference is made out in exercise of jurisdiction under Article 136 of the Constitution of India.



After more than three years since the date of dismissal of this special leave petition, the petitioner has filed the instant application for grant of pre-arrest bail.

Learned counsel for the petitioner has failed to point out any changed circumstance on the basis of which the case of the petitioner would require fresh application of mind.

In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

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