

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21383 of 2020

Arising Out of PS. Case No.-63 Year-2019 Thana- PARAIYA District- Gaya

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1. Kamlesh Kumar @ Kamlesh Yadav, Son of Mahendra Yadav
 2. Umesh Kumar @ Umesh Yadav, Son of Mahendra Yadav
 3. Bimlesh Kumar @ Bimlesh Yadav, Son of Mahendra Yadav
 4. Lalan Yadav, Son of Late Vasu Yadav @ Vasudeo Yadav
 5. Vikash Kumar @ Vikash Yadav, Son of Lalan Yadav, all resident of Village - Bokanari, P.S.- Paraiya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kunal Tiwary, Advocate
For the State	:	Mr.Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-02-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Paraiya P.S. Case No. 63 of 2019 registered for the offences punishable under Sections 147, 148, 149, 307, 353 of the Indian Penal Code.

Prosecution case in short is that the informant, who is SHO of Paraiya Police Station, on 27.04.2019 for the recovery of victim of Paraiya P.S. Case No.62 of 2019 along with police force raided Boknari village from where the victim was recovered. In the meantime, accused persons armed with deadly



weapons attacked the police party and in the incident, the informant and two home guard men get injured badly.

By order dated 27.11.2019, the bail application of the petitioner was rejected by this Hon'ble Court and directed the petitioner to surrender before the court below and pray for regular bail. The learned court below was directed to consider the bail application of the petitioners on the same day without being prejudiced by this order. On the request of the learned counsel for the petitioners, direction has been given to the learned court below to hear the bail petition of the petitioners on the same day without being prejudiced by this order.

Learned counsel for the petitioners submits that the petitioner could not surrender before the court below and file a fresh anticipatory bail application in this Hon'ble Court and submits that similarly situated co-accused has been granted bail by this Co-ordinate Bench of this court. He further relied upon a judgment in **Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav & Another** reported in **(2005)2 SCC 42**. According to the facts of the case, the order of the Apex Court is not applicable in the present case. Learned counsel for the petitioners have not given any new ground for grant of anticipatory bail in the present case.



Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the above named petitioners in connection with Paraiya P.S. Case No.63 of 2019 pending in the court of learned Additional District Judge III, Gaya is hereby rejected.

(Anjani Kumar Sharan, J)

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