

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37080 of 2020

Arising Out of PS. Case No.-279 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

1. Jitan Mahto Son Of Nahak Mahto Resident Of Village - Ram Nagar, P.S. - Chapra Muffasil, District - Saran
2. College Mahto Son Of Nahak Mahto Resident Of Village - Ram Nagar, P.S. - Chapra Muffasil, District - Saran
3. Nanhak Mahto Son Of Late Shiv Bhajan Mahto Resident Of Village - Ram Nagar, P.S. - Chapra Muffasil, District - Saran
4. Babula Devi Wife Of Nagendra Mahto D/O Nanhak Mahto Resident Of Village - Ram Nagar, P.S. - Chapra Muffasil, District - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in connection with Chapra Muffasil P.S. case No.279 of 2018 registered under Sections 304(B), 201/34 of the Indian Penal Code, pending in the court of Additional Sessions Judge X, Saran, Chapra.



The earlier anticipatory bail application of the petitioners was rejected vide Annexure 1 to the present application. Subsequently the co-accused in the same case has been acquitted by the trial court by its judgment dated 19.02.2020.

Hence the present application has been filed for reconsideration of the anticipatory bail of the petitioners in the light of the said judgment, which is of the trial court in respect of the other co-accused, which is Annexure 3 to the present application.

On behalf of the State, it is submitted that the evidence adduced by the prosecution and the order passed by the trial court in respect of the other co-accused cannot be looked into as far as the case of the petitioners is concerned. The evidence adduced in the case of other co-accused has no evidentiary value in respect of the case of the petitioners and the same cannot be a ground seeking second anticipatory bail.

Considering the aforesaid facts and circumstances, I find no reason to interfere with the earlier rejection order of the anticipatory bail of the petitioners by a co-ordinate Bench of this Court vide Annexure 1 to the present application.

The prayer for anticipatory bail of the petitioners is



rejected.

If the petitioners surrender before the court below and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order and taking into account that the other co-accused of the present case have been acquitted by the trial court.

(Sudhir Singh, J)

Narendra/-

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