

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.797 of 2021

Arising Out of PS. Case No.-161 Year-2014 Thana- LAUKAHI District- Madhubani

Om Prakash Mandal, Son of Siyaram Mandal, Resident of Village -
Hariyahi, P.S. - Nirmali, District – Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shri Nandan Prasad Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 01-07-2021 Heard Mr. Shri Nandan Prasad Singh, the learned

Advocate for the petitioner and Mr. Ram Priya Sharan Singh,

the learned APP for the State.

The prayer for bail of the petitioner was earlier
rejected vide order dated 16.10.2019 passed in Cr. Misc.
No. 64743 of 2019 by a co-ordinate Bench of this Court.

The petitioner seeks bail in anticipation of his
arrest in connection with Laukahi P.S. Case No. 161 of



2014, instituted for the offences under Sections 365 and 34 of the Indian Penal Code.

Mr. Shri Nandan Prasad Singh, the learned Advocate for the petitioner has pointed out that he was not named in the F.I.R., but is sought to be prosecuted in this case on the basis of confession of an accused by the name of Prem Kumar Mandal after nine months of the lodging of the F.I.R. Beyond the aforesaid confession, there is no other material to connect the petitioner, who is an *ex-Mukhiya*, with the offence. It has further been submitted that considering the afore-noted facts, two of the other accused persons have been granted bail by a Bench of this Court.

Mr. Singh, the learned counsel for the petitioner has further submitted that there is a change of circumstance, warranting a re-assessment of the case of the petitioner for grant of anticipatory bail. He submits that notwithstanding the aforesaid confession of an accused person, charge-sheet has yet not been submitted and the investigation has been kept pending.

However, this ground does not persuade this Court



to review the order dated 16.10.2019, referred to above,
whereby the ground urged was rejected.

The prayer for grant of anticipatory bail of the
petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the
Court below and seeks bail, the Court below, after taking
into account all the above-noted facts, shall pass orders in
accordance with law, without being prejudiced by the fact
that the present anticipatory bail application has not been
entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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