

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66609 of 2021**

Arising Out of PS. Case No.-1156 Year-2016 Thana- SASARAM NAGAR District- Rohtas

1. IRFAN @ MD. IRFAN Son of Late Jumrati Marhum Resident of Muhalla - Suleman Ganj, Sarai Road, P.S.- Sasaram Nagar Dist.- Rohtas.
2. Aftab @ Md. Aftab Son of Late Jumrati Marhum Resident of Muhalla - Suleman Ganj, Sarai Road, P.S.- Sasaram Nagar Dist.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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

2 08-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Filing of this application is nothing but a misuse of the process of this Court. It appears that earlier the prayer for pre-arrest bail of the petitioners was rejected by this Court vide order dated 09.11.2017 in Cr.Misc.No.53873 of 2017. Since then the petitioners have not surrendered. Apparently, the progress of the case has been brought to a halt because of non-appearance of these petitioners.

This Court finds from the impugned order that the learned 1st Additional District and Sessions Judge, Rohtas at



Sasaram has correctly narrated the entire facts and the legal position, still the petitioners have moved this Court.

The only submission made on behalf of the petitioners at this stage is that during this period the parties have entered into a compromise. Learned counsel for the petitioners though is aware of the legal position that the case under Section 307 of the Indian Penal Code is not compoundable, submits that this may be a circumstance to take a different view of the matter.

Learned APP for the State has opposed the second attempt of the petitioner for anticipatory bail. Learned APP submits that this Court has noticed in the impugned order that there were allegations against the petitioners of using weapons like sword and causing assault upon the informant. The submission that the petitioners have entered into a compromise with the informant has to be seen as if the petitioners are engaged in influencing the witnesses and they are creating pressure upon the prosecution while remaining outside despite the fact that there are warrants of arrest against the petitioners.

Having regard to the materials noticed hereinabove, this Court finds no reason to entertain this application for grant of anticipatory bail. For filing this frivolous and misconceived kind of application after four years from the date of first



rejection and thereby wasting the time of the Court, this Court thinks it just and proper to impose a cost of Rs.10,000/- upon the petitioners. Let the cost amount be deposited within a period of two weeks from today with the Patna High Court Legal Aid Committee.

It is still open for the petitioners to surrender in the court below and pray for regular bail on its own merit. If the petitioners do not surrender and pray for regular bail within a period of two weeks from today, the Superintendent of Police, Rohtas at Sasaram shall ensure the execution of warrants against the petitioners without any further delay.

If the cost amount is not deposited, the matter shall be placed before this Court otherwise it stands disposed of.

(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'.

