

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1195 of 2022**

Arising Out of PS. Case No.-6 Year-2020 Thana- BUNIYAD GANJ District- Gaya

SURENDRA PRASAD Son of Bhagat Prasad Resident of Gobri Per, Manpur
Pehani Bakraur, P.S.- Buniyadganj, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upender Kumar Son of Babunand Das Resident of Village - Chirmichi
Bigha, P.S.- Belaganj, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Shashank Shekhar
For the Respondent/s	:	Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 24-08-2022 The appellant has renewed his prayer for anticipatory bail for the second time in connection with Buniyadganj P.S. Case No. 06 of 2020 registered under Section 302 / 34 of the IPC and Section 3 (i) (r) (s) / 3 (2) (v-a) of the S.C. / S.T. Act inasmuch as earlier anticipatory bail application of the appellant *vide* Cr. Appeal (SJ) No. 1367 of 2020 was rejected on merit by this court.

Mr. N.K. Agrawal, learned senior counsel for the appellant submits that the appellant has filed the anticipatory bail application on the basis of further development in the matter inasmuch as after investigation the Police has submitted final form not sending the appellant for trial.



On the other hand, learned counsel for the respondent no. 2 submits that the learned Special Judge, S.C. / S.T. (POA) Act, Gaya has differed with the Police report and has taken cognizance for the offence alleged against the appellant. The Hon'ble Supreme Court in a judgment reported in (2014) 3 Supreme Court Cases 471 BACHU DAS *Versus* STATE OF BIHAR AND OTHERS has held that once the Magistrate has taken cognizance of the offence anticipatory bail application is not maintainable.

Taking into consideration the fact that prayer for anticipatory bail of the appellant was earlier rejected on merit and that the learned Magistrate has taken cognizance, as such, I am not inclined to exercise my discretion to consider the prayer of the appellant for grant of anticipatory bail for the second time.

The petition stands rejected.

(Anil Kumar Sinha, J)

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