

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39488 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- CHAUTHAM District- Khagaria

SHYAMAL KISHORE VIDYARTHI Son of Shingheshwar Rajak Resident of
Village- Rupani, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Nityanand Tiway, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-04-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of anticipatory bail in
Chautham P.S. Case No. 40/2020 registered for the offence
punishable under Sections 406/409/420 of the Indian Penal
Code.

This is the second anticipatory bail of the petitioner.

In view of the recent judgment of the Supreme Court
passed in the case of *G.R. Ananda Babu Vs. State of Tamil
Nadu* and another reported in *2021 SCC OnLine SC 176*, second
anticipatory bail of the petitioner is not maintainable. It is,



accordingly, dismissed.

The anticipatory bail of the petitioner was rejected on 22.01.2021 in an F.I.R. registered on 06.02.2020. The petitioner is a named accused in the F.I.R.

It is very surprising that even after rejection of the anticipatory bail application, the petitioner has not surrendered in the Court below and, as such, the role of Khagaria Police is doubtful in this case as they are allowing the accused persons to roam freely in the society whose anticipatory bail application has been rejected till the High Court.

The petitioner is directed to surrender within two weeks and prayer for regular bail and on his surrender, the Court below will consider the fact that similarly situated co-accused have been granted anticipatory bail.

If the petitioner does not surrender within two weeks, the Superintendent of Police, Khagaria, will take steps in accordance with law so that the trial of the case is not delayed because of the non-appearance of the petitioner and another similarly accused.

Let a copy of this order be communicated to the Superintendent of Police, Khagaria through FAX and e-mail.

List this case after two weeks awaiting report of



Superintendent of Police, Khagaria.

(Sandeep Kumar, J)

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