

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35270 of 2022

Arising Out of PS. Case No.-188 Year-2020 Thana- PANDAUL District- Madhubani

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AMAN PRASAD S/O ARUN PRASAD RESIDENT OF VILLAGE-
JAMSAN KUAN, P.S.- PANDAUL, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 2 17-08-2022 1. Heard the parties.
2. This is second bail application filed under Section
438 of the Cr.P.C.
3. Learned counsel appearing for the petitioner
submits that the learned counsel, who was appearing in the case
wrongly with a mention of not pressing the bail application of
petitioner no. 1. It is submitted that the petitioner, who was
petitioner no. 1 in the earlier bail application is similarly
situated to the other three accused petitioners, who were granted
benefit of anticipatory bail and their case is not at different
footings.
4. Learned counsel submits that there is no allegation
of petitioner having possessed with the weapon and no witness



during the enquiry has stated about the petitioner having Pistol in his hand, as mentioned in the F.I.R.

5. Learned counsel submits that even the informant has not stated of the petitioner having Pistol in his hand. In the circumstances, the petitioner ought to be granted benefit of anticipatory bail as granted to the others.

6. Learned counsel appearing for the informant however opposes the submissions made by the learned counsel for the petitioner. A second anticipatory bail application in normal course would not maintainable except where there is a change circumstances which may have occurred after the passing of the earlier order.

7. The petitioner has not been able to point out any such change circumstances. The first bail application of the petitioner was not pressed at the stage and, therefore, in the opinion of this Court, it cannot be said that the Court examined the merits of the case at that stage.

8. Learned counsel appearing for the informant has not been able to satisfy any reasons as to why the informant has changed his stand, which he had made in his F.I.R. while recording the statement under section 161 Cr.P.C. Filing the F.I.R. the informant has stated of the petitioner having Pistol in



his hand, in the statement made under Section 161 Cr.P.C. the informant does not mention of such fact. Further, co-accused have already been granted benefit of anticipatory bail. It is also noticed that the petitioner is a young boy, 18 years of age and is a student. The trial is likely to take long time.

9. Considering all the aspects, I am inclined to allow the second bail application.

10. Accordingly, the anticipatory bail application is allowed subject to the following conditions:-

1. The above named petitioner shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer.

2. The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required.

3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer,

4. The petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;



5. The petitioner shall not leave the territory of Madhubani without prior permission of the court, till trial is over;

6. The petitioner shall maintain law and order;

7. The petitioner shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The petitioner shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The petitioner shall regularly remain present during the trial and cooperate with the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 65

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