

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10754 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Samastipur

1. HEMANT KUMAR S/O Late Devilal Rai @ Late Dev Lal Rai Resident of Village - Simari, P.S. - Vidyapati Nagar, District - Samastipur.
2. PRABHAT KUMAR Son of Ram Sohial Rai Resident of Village - Simari, P.S. - Vidyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-01-2022 Heard Mr. Amresh Kumar Sinha, the learned
counsel for the petitioner and learned APP for the State.

After the demise of Mr. Subhash Chandra Bose,
the Advocate On Record, the brief has been transferred to
Mr. Amresh Kumar Sinha.

However, Mr. Sinha submits that he has
received Vakalatnama on behalf of petitioner no. 1 only, who
has been arrested during the pendency of this petition.

As such, the application with respect to the
petitioner no. 1 is dismissed as having become infructuous.

No Vakalatnama has been received by Mr. Sinha



on behalf of petitioner no. 2, who seeks bail in anticipation of his arrest in connection with.

However, looking at the nature of accusation against the petitioner no. 2, who has been made accused in connection with Mahila P.S. Case No. 28 of 2020 for the offences under Sections 376(DA), 341, 323, 504/34 of the Indian Penal Code and Section 4 of the POCSO Act, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of the petitioner no. 2 is rejected.

Should he surrender before the court below and seek bail, his application shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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