

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.701 of 2022

Arising Out of PS. Case No.-33 Year-2020 Thana- MAHILA PS District- Jehanabad

XYZ, Under the guardianship of His father and natural guardian namely
Sadanand Singh Resident of Village- Diawan, P.S.- Kako, District- Jehanabad.
... .. Appellant

Versus

1. The State of Bihar
2. Mintu Devi Wife of Hari Govind Singh R/V- Nadiawan, P.S.- Kako, District-
Jehanabad

... .. Opposite Parties

Appearance :

For the Appellant/s : Mr. Sunil Srivastava, Advocate
For the Respondent/s : Mr. A.M.P. Mehta, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 17-05-2023 Heard learned counsel for the appellant and learned Spl.
P.P. for the State.

The appellant in the present case has renewed his prayer for bail by setting aside the order dated 03.03.2021 passed by learned Additional Sessions Judge, 1st-cum-Children Court, Jehanabad in Children Case No. 02 of 2021 arising out of Jehanabad Mahila P.S. Case No. 33 of 2020 registered for the offences under Section 376 of the Indian Penal Code with Section 4/6 of the Protection of Children from Sexual Offences Act.

It is the submission of learned counsel for the appellant that the appellant is in custody since 07.10.2020 but till date even the charge has not been framed. The informant was noticed by this Court but no one has turned up to oppose this appeal.

Learned counsel for the State has, however, opposed



this appeal and submitted that earlier the appeal preferred by the appellant against the same order has been dismissed by this Court without granting any liberty to renew his prayer against the same order.

Having regard to the facts and circumstances of the case, this Court finds from its earlier order dated 18.08.2021 that against the same impugned order, the appellant had preferred Cr. Appeal (SJ) No. 2296 of 2021 which was dismissed without granting any liberty to the appellant to renew his prayer for bail against the same order, in such circumstance, it was incumbent upon the appellant to move afresh before the learned court below and pray for regular bail.

This appeal is, thus, being disposed of as not entertained. Liberty is granted to the appellant to file a fresh application in the learned court below for grant of bail. If any such application is filed, the same will be considered on its own merit at this stage without being prejudice by the earlier order of this Court.

(Rajeev Ranjan Prasad, J)

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