

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11891 of 2023**

Arising Out of PS. Case No.-332 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

Chandan Kumar S/O Late Nand Lal Rai R/V- Chakaima, P.S.- Hajipur Sadar,
District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Hajipur Sadar P.S. Case No. 332 of 2017 registered for the
offences punishable under Section 341, 447, 323, 354, 325, 504,
506/34 of the Indian Penal Code.

As per the prosecution case, allegation against the
petitioner is that he assaulted the (since) deceased with lathi on
her right leg causing serious injury due to which she fell down
and later on died and sections 302 and 379 were also added.

Learned counsel for the petitioner submitted that
petitioner has falsely been implicated in this case. It is further
submitted that petitioner has clean antecedent as stated in para-
3 of this application.



Learned APP for the State opposes the prayer for bail and submitted that there is specific allegation against the petitioner of assaulting the deceased.

This is the second attempt of the petitioner before this Court for grant of anticipatory bail. Earlier vide order dated 28.06.2018 passed in Cr. Misc. No. 15031 of 2018, the prayer for anticipatory bail of the petitioner was rejected by a co-ordinate Bench of this Court.

As no new ground has been raised in this application and also the fact that the petitioner has renewed his prayer belatedly almost after five years, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

However, if petitioner surrenders before the learned court below within a period of six weeks from today, and pray for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner, preferably, on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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