

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50887 of 2022

Arising Out of PS. Case No.-93 Year-2017 Thana- CHANPATIA District- West Champaran

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SANDEEP KUMAR @ SANDEEP MAHTO S/o Late Rama Mahto R/o
village- Tikuliya, Nonia Patti, Chanpatiya, P.S.- Chanpatiya, District- West
Champaran, Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dhananjay Kumar S/o Jagdish Prasad R/o village- Bankat (Rice Mill), P.S.-
Chanpatiya, District- West Champaran, Bettiah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Sundar Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Chanpatiya P.S. Case No.93 of 2017 instituted under
Sections 147,149,341,323,308,354 of the Indian Penal Code and
Section 12 of the POCSO Act.

As per the prosecution story, the informant alleged
that earlier the accused persons teased his cousin sister in school
and upon protest, he was assaulted. Accordingly, the FIR was
lodged.



Learned counsel for the petitioner submits that omnibus allegation is there in the FIR and due to village rivalry, he has been dragged in the matter, although he was not present at the place of occurrence. Further submission is that he had no information about it which unfortunately caused delay. He however concedes that after the rejection of the anticipatory bail application in 2019 he delayed the matter. The last submission is that similar situate persons have been granted relief.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that the matter is of 2017 and even by his own admission, he preferred anticipatory bail in 2019 and thereafter upon rejection of the same, neither he surrendered nor chose to file any anticipatory bail in 2019-20 and as such he opposes the prayer.

Taking into account the sole ground of delay in approaching the court despite the fact that in 2019 his anticipatory bail was rejected, this Court is unable to extend him relief, which is accordingly rejected.

However, in case he surrenders before the concerned court within four weeks from today, the court will take into account the facts of the case including the materials on record and the relief that has been extended to similar situate person



(Amit Kumar Singh) before taking a decision preferably on the same day.

(Rajiv Roy, J)

Prakash Narayan /-

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