

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62251 of 2021

Arising Out of PS. Case No.-315 Year-2019 Thana- BARHARIA District- Siwan

Vijay Kumar Sharma @ Vijay Sharma, aged about 54 years (M), Son of Late Parabhansh Sharma, Resident of Village Mahmudpur, P.S. Barhariya, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the State : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

12 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with Barhariya PS Case No. 315 of 2019 dated 24.08.2019 instituted under Sections 341, 323, 379, 324, 307, 504 and 506/34 of the Indian Penal Code to which later on Section 302 of the Indian Penal Code was added.

3. This is the second attempt by the petitioner for his anticipatory bail. Earlier, this Court vide order dated 25.08.2020 in Cr. Misc. No. 77986 of 2019 had dismissed the anticipatory bail of the petitioner on merit.

4. Learned counsel for the petitioner submits that the fresh ground for filing this application is that the similarly



situated co-accused, namely, Pratima Devi and Vijay Sharma have been granted bail by a co-ordinate Bench of this Court vide order dated 08.02.2021 in Cr. Misc. No. 9914 of 2020.

5. Learned APP for the State submits that there is no fresh ground for grant of anticipatory bail to the petitioner and the same is liable to be dismissed.

6. In view of the fact that this Court vide order dated 25.08.2020, considering all the facts and circumstances had rejected the anticipatory bail of the petitioner on merit and no fresh ground is made out for anticipatory bail of the petitioner.

7. Accordingly, this application is rejected.

8. However, if the petitioner surrenders before the Court below and seeks regular bail, the Court shall pass the order on merits, in accordance with law, without prejudice to the rejection of the anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

P. Kumar

U		T	
---	--	---	--

