

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64078 of 2023

Arising Out of PS. Case No.-151 Year-2022 Thana- DALSINGHSARAI District- Samastipur

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ASHUTOSH KUMAR @ LALA son of Surendra Mahto Village- Khoksa Ps-
Dalsinghsarai Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-11-2023 Heard Mr. Yogesh Chandra Verma, learned Senior

Counsel for the petitioner and Mr. Jitendra Kumar Singh,

learned APP for the State.

2. The F.I.R. has been lodged under section 376 of the
Indian Penal Code and as per the FIR, there is direct allegation
against the petitioner herein.

3. Earlier his anticipatory bail petition was rejected on
11.01.2023 with reasoned order.

4. Ten months later, this anticipatory bail has been
preferred with the submission that those who were in judicial
custody, the trial is going on against him/them where the
victim/witnesses have not supported the case.

5. If that was the case, it would have been appropriate
for the petitioner to surrender and cooperate in trial and get



himself exonerated of all the charges levelled against him.

6. Instead, after ten months, he has preferred second anticipatory bail. There is no need to relook into the matter and the anticipatory bail petition is once again rejected with a cost of Rs. 2,000/- to be deposited with the Patna High Court Legal Services Committee.

7. The Superintendent of Police, Samastipur shall submit a report as to how in a case in which there is/are charges of rape against the petitioner and the FIR lodged in 2022, such a long rope has been given to him and/or the reason behind the failure of the Police in this case.

8. A report be submitted within a period of four weeks from today.

9. The matter be taken up under the heading 'To be Mentioned' after four weeks to peruse the report submitted by the S.P., Samastipur.

10. Let a copy be sent to the S.P., Samastipur for his perusal and necessary action.

(Rajiv Roy, J)

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