

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1737 of 2023

Arising Out of PS. Case No.-238 Year-2021 Thana- BIDUPUR District- Vaishali

1. Abhishek Kumar Son of Jai Prakash Singh R/o Village- Chechar, P.S.- Bidupur, District- Vaishali.
2. Rajiv Kumar @ Rajiv Kumar Singh Son of Harendra Singh R/o Village- Chechar, P.S.- Bidupur, District- Vaishali.
3. Aman Kumar Son of Sanjiv Kumar R/o Village- Chechar, P.S.- Bidupur, District- Vaishali.
4. Yash Kumar @ Ayush Raj Son of Kumar Santosh Shankar R/o Village- Rajpur, Jaunapur, P.S.- Patori (Mohanpur O.P.), District- Samastipur.
5. Harsh Kumar @ Harsh Chauhan Son of Kumar Santosh Shankar R/o Village Rajpur, Jaunapur, P.S.- Patori (Mohanpur O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Dhananjay Kumar, Advocate
For the State	:	Mr. Zainul Abedin, APP
For the Informant	:	Mr. Choubey Jawahar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 10-05-2023 Heard learned counsel for the petitioners, learned APP

for the State as well as learned counsel appearing on behalf of

the informant.

Petitioners apprehend their arrest in connection with

Bidupur P.S. Case No.238 of 2021, registered for the offences

punishable under Sections 341, 323, 325, 376, 379 and 34 of the

Indian Penal Code as well as Section 4 of the POCSO Act.

Petitioners are said to have tried to commit rape with

the informant.



Learned counsel for the petitioners has filed a supplementary affidavit bringing on record certain relevant facts.

Let the same be kept on record.

Learned counsel for the petitioners submits that prayer for grant of anticipatory bail to the petitioners was permitted to be withdrawn vide order dated 11.07.2022, passed in Cr. Misc. No.57464 of 2021 as it was submitted that petitioners have already been granted police bail, but the said fact has not been mentioned in the order of the learned court below. Thereafter the petitioners filed an application before the learned court below to correct the said factual mistake, but the application of the petitioners has not been taken up by the learned court below up till now.

Learned APP for the State and learned counsel for the informant opposed the prayer for grant of anticipatory bail to the petitioners by submitting that processes under Sections 82 and 83 Cr.P.C. has already been issued by the learned court below.

In the aforesaid facts and circumstances of the case, this Court directs the learned court below to dispose of the case in the light of the judgment passed by this Court in ***Mahendra Prasad Singh Vs. The State of Bihar***, reported in **2004 (3)**



PLJR 491.

The instant anticipatory bail application stands
disposed of.

(Anjani Kumar Sharan, J)

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