

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74127 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- RAGHOPUR District- Supaul

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Vimla Devi wife of Late Manjit Yadav Village- Ram Bishunpur Tola Dahi
Pouri W. No-2, PS- Raghobpur Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 307/ 504/
506/ 353/ 333/ 332/ 323/ 341/ 147/ 149 of the I.P.C.

3. Learned counsel for the petitioner submits that the
anticipatory bail application of the petitioner has earlier been
rejected vide order dated 04.08.2023 passed in Cr. Misc. No.
44886 of 2023 granting liberty to the petitioner to file regular
bail application before the Trial Court. The Trial Court was
directed that while considering the prayer for regular bail of the
petitioner, the Trial Court shall also consider this aspect that the
petitioner is an old aged female person.

4. Learned counsel for the petitioner submits that the
circumstances of this case has been changed, as initially, the
case has been filed under Sections 307/ 504/ 506/ 353/ 333/ 332/

323/ 341/ 147/ 149 of the I.P.C. but after filing charge-sheet, Section 307 of the I.P.C. has been removed and all Sections are bailable, except Section 353 of the I.P.C. and, therefore, learned counsel for the petitioner has filed the present anticipatory bail application second time before this Court.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that since earlier, anticipatory bail application of the petitioner was rejected with a specific direction, therefore, this second anticipatory bail application is not maintainable.

6. Upon hearing the parties, this Court is of the view that it is true that anticipatory bail second time is not permissible but under exceptional and changed circumstances, the second anticipatory bail can be entertained. It transpires to this Court that the present anticipatory bail application is premature, due to the reason that in the changed circumstances, the petitioner has directly preferred the second anticipatory bail application before this Court, when the petitioner ought to have firstly move before the Session Court, thereafter before this Court.

7. With this direction, the present anticipatory bail application is hereby disposed of.

(Dr. Anshuman, J.)

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