

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4005 of 2023

Arising Out of PS. Case No.-80 Year-2017 Thana- GOPALPUR District- West Champaran

1. Jagarnath Baitha @ Jaganath Baitha Son Of Late Dasai Baitha R/O Village- Laxmipur, P.S.- Purushottampur, District- West Champaran
2. Chotelal Baitha Son Of Tiwari Baitha R/O Village- Laxmipur, P.S.- Purushottampur, District- West Champaran
3. Chedi Baitha @ Chhedi Baitha Son Of Jagarnath Baitha R/O Village- Laxmipur, P.S.- Purushottampur, District- West Champaran
4. Bhajan Baitha Son Of Jagarnath Baitha R/O Village- Laxmipur, P.S.- Purushottampur, District- West Champaran
5. Kishori Baitha @ Nand Kishori Baitha @ Kishore Baitha Son Of Late Lahwar Baitha R/O Village- Laxmipur, P.S.- Purushottampur, District- West Champaran
6. Jhunna Baitha Son Of Jagarnath Baitha R/O Village- Laxmipur, P.S.- Purushottampur, District- West Champaran
7. Sunil Baitha @ Sumit Baitha Son Of Dhanukh Baitha R/O Village- Laxmipur, P.S.- Purushottampur, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioners and the State.

2. By filing this application, the petitioners have renewed their prayer for anticipatory bail in connection with Gopalpur P.S. Case No.80 of 2017 registered for the offences under Sections 147, 149, 341, 323, 386, 380, 504, 354(B) and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that earlier the prayer for pre-arrest bail of the petitioners was rejected by this Court vide order dated 19.02.2018. There is a case and counter case between the parties and these petitioners are the members of the scheduled caste category.

4. It is submitted that vide Annexure- '4' to the present application, both the parties have compromised their dispute and an application to this effect has been filed in the court of learned Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran. It is because of this compromise that fresh attempt has been taken to pray for anticipatory bail.

5. Learned counsel for the State has opposed the prayer for pre-arrest bail of the petitioners. It is submitted that earlier rejection is of 19.02.2018. This application has been filed after about five years and from Annexure- '4' it would appear that the parties submitted an application in the court of learned Additional Chief Judicial Magistrate-IV saying that they have entered into a compromise but the offences alleged are not compoundable and the application was filed on or about 12.03.2020 i.e. three years earlier to the filing of the present application.

6. Having regard to the facts and circumstances of the

case, in view of the earlier rejection of the application of the petitioners and there being no change of circumstance requiring entertainment of a second application for anticipatory bail and further taking into consideration the conduct of the petitioners in not presenting themselves in the learned jurisdictional court for all these five years, this Court would not entertain the second anticipatory bail application. Prayer is refused.

7. In case, however, the petitioners claim that they have compromised the matter, it is for them to surrender in the learned court below and impress the court to consider their prayer for regular bail on their own merit.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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