

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11522 of 2024

Arising Out of PS. Case No.-145 Year-2015 Thana- AMARPUR District- Banka

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1. Laddu Manjhi @ Laddu Kumar Manjhi @ Abdhesh Kumar Son of Bhagwat Manjhi R/o vill - Kumarkhal, P.S. - Amarpur, Distt. - Banka
 2. Subodh Kumar Mandal @ Subodh Mandal Son of Bhuwaneshwar Mandal R/o vill - Kumarkhal, P.S. - Amarpur, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 08-05-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Amarpur P.S. Case No.145 of 2015, registered for the offences punishable under Sections 302/120B/448/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against four named accused persons including the present petitioners.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. Counsel submits that for the same date and place of occurrence



one UD case was filed by the father of the informant. Subsequently, after about one month of the occurrence the present FIR was lodged on the basis of complaint lodged under Section 156(3) of the Cr.P.C. Learned counsel submits that the FIR has been lodged thereafter investigation has been done and after investigation police has submitted final form against the present petitioners but trial Court has taken cognizance. Counsel submits that the antecedent of the petitioners are clean but only one thing which is against the petitioner that the anticipatory bail of the petitioners was earlier rejected vide order dated 18.12.2015 passed in Cr. Misc. No.43002 of 2015. Counsel relied on the judgment of **Birendra Yadav Vs. The State of Bihar** passed in Cr. Misc. No.24500 of 2017 stating therein that the second anticipatory bail is maintainable.

5. Learned counsel for the State opposes the prayer for bail and submits that there is no reasonable ground to the petitioner for entertaining second anticipatory bail application, particularly, when the petitioner is well aware of the facts that what allegation has come in the FIR. Counsel submits that this FIR has been lodged in the year 2015 whereas petitioners have moved for bail in the month of December, 2015 and cognizance was taken in December, 2022.



6. It transpires to this Court that anticipatory bail application was moved by the petitioner before the Court-below in 2023 which was rejected on 23.08.2023 after taking cognizance and still today the situation after taking cognizance is continuing. Therefore, this Court is of the view that no new circumstance has come.

7. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioners within six weeks, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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