

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20582 of 2023**

Arising Out of PS. Case No.-200 Year-2012 Thana- LALGANJ District- Vaishali

1. BIPIN MAHTO S/O Late Moti Mahto R/O Village- Puran Tand, P.S- Lalganj, District- Vaishali
2. Anil Mahto S/O Late Moti Mahto R/O Village- Puran Tand, P.S- Lalganj, District- Vaishali
3. Kaushalya Devi W/O Upendra Mahto R/O Village- Puran Tand, P.S- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**

**ORAL ORDER**

3      29-11-2024      Learned counsel for the petitioners seeks permission to withdrawn the petition as against petitioner no.3, namely, Kaushalya Devi since she has already been arrested.

Permission is accorded.

Accordingly, the present petition as against petitioner no.3, namely, Kaushalya Devi is dismissed as withdrawn having become infructuous.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 436 and 304 of the Indian Penal Code.

Learned counsel for the petitioners submits that this is



second anticipatory bail application and the first anticipatory bail application has already rejected by this Court passed in Cr. Misc. No. 447 of 2014 vide order dated 24.06.2024 with an observation that ‘having regard to the facts and circumstances of the case, none of the petitioners appear entitled for the privilege sought. Accordingly, prayer for anticipatory bail of the petitioners is hereby refused. Further, petitioners are directed to surrender before the court below within fortnight and seek regular bail where the prayer may be considered on its own merit” He next submits that the investigation is not concluded till today. It is clear that the anticipatory bail petition rejected by a Co-ordinate Bench of this Court on merit, so this second bail application is not maintainable and it is also clear that the petitioner has not complied with the direction of the Co-ordinate Bench of the order dated 24.06.2024 passed in Cr. Misc. No. 447 of 2014

In view of the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners. Prayer for anticipatory bail to the petitioners is again rejected.

**(Ramesh Chand Malviya, J)**

Brajesh Kumar/-

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