

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1405 of 2024

Arising Out of PS. Case No.-26 Year-2009 Thana- SC/ST District- Gaya

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1. Ajay Yadav SON OF Ram Prasad Yadav RESIDENT OF VILLAGE- WEST AMARPURA, PS- RAFIGANJ, DIST- AURANGABAD
 2. DHANANJAY YADAV @ DHANJU YADAV SON OF RAM PRASAD YADAV RESIDENT OF VILLAGE- WEST AMARPURA, PS- RAFIGANJ, DIST- AURANGABAD
 3. SHAKALDEEP YADAV SON OF BRAHAMDEO YADAV RESIDENT OF VILLAGE- WEST AMARPURA, PS- RAFIGANJ, DIST- AURANGABAD
 4. UPENDRA YADAV SON OF LATE DEV NARAYAN YADAV RESIDENT OF VILLAGE- WEST AMARPURA, PS- RAFIGANJ, DIST- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. SONKALIYA DEVI WIFE OF BINOD PASWAN RESIDENT OF VILLAGE- WEST AMARPURA, PS- RAFIGANJ, DIST- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 18-10-2024 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. This appeal, for grant of anticipatory bail, arises out of SC/ST Police Station Case No. 26 of 2009, dated 19.05.2009, registered under Sections 147/148/149/341/323/504/506/447 of the Indian Penal Code and Sections 3 (i) (x) (xi) (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act, 1989.

3. This is the second attempt on behalf of the appellants for grant of anticipatory bail inasmuch as earlier anticipatory bail application of the appellants was permitted to be withdrawn, vide order, dated 22.10.2016, passed in Criminal Appeal (1st Additional Sessions Judge -cum- Special Judge, SC/ST,) No. 740 of 2016, on the prayer of learned Counsel for the appellants that he will be filing appropriate application against the order taking cognizance.
4. Learned Counsel for the appellants has moved this appeal for anticipatory bail for the second time after a lapse of about eight years on the ground that some of the accused persons were granted anticipatory bail by different bench of this Court, vide orders, dated 11.01.2013 (Criminal Misc. No. 45704 of 2012) and 30.10.2013 (Criminal Misc. No. 30375 of 2013).
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the ground raised by the appellants for maintaining this second anticipatory bail application was very much available to them at the time of withdrawal of



the first anticipatory bail application, as such, this anticipatory bail application is not maintainable.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the grounds raised by the appellants cannot be said to be subsequent development inasmuch as on the date of withdrawal of the first anticipatory bail application by the appellants before this Court on 22.10.2016, these two orders were already available to the appellants, this second anticipatory bail application is not maintainable.
7. This appeal is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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