

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25238 of 2024

Arising Out of PS. Case No.-66 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Binay Kumar son of Rajendra Prasad Resident of Village- Karingapur, P.S.-
Manpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anjali Kumari
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Shekhopur
Sarai P.S. Case No. 66 of 2021 registered for the offences
punishable under Sections 341, 365 and 379 of the Indian Penal
Code.

3. Earlier by order dated 31.08.2023 passed in Cr.
Misc. No. 55795 of 2023, the prayer for anticipatory bail of the
petitioner was rejected with a liberty to the petitioner to
surrender before the learned Court below within a period of six
weeks. Now, he has renewed his prayer for anticipatory bail on
the ground that the petitioner is a businessman and there is no
specific overt act against the petitioner.



4. As per the prosecution case, a trailer carrying 700 bag Ultra Tech Cement proceeded to Bhagalpur through Daniyawan. On 03.04.2021 at about 5:00 hours, the informant had conversation with the driver of vehicle, namely, Anil Singh. Thereafter, there is no trace of vehicle as well as the owner. The informant apprehends that some untowards has happened with the driver and the goods loaded.

5. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State vehemently opposed the prayer for anticipatory bail.

7. In such view of the matter and considering the judgment of Hon'ble Apex Court in the case of *Ananda Babu vs. State of Tamil Nadu and Another* reported in *2021 SCC online SC 176*, whereby the Court has held that the second anticipatory bail application is not maintainable, I am not inclined to entertain his prayer once again.



8. Accordingly, this application is dismissed.

9. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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