

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45844 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- RAGHUNATHPUR District- Siwan

Raj Kishore Chaurasiya @ Raj Kishore Prasad Son of Umashankar
Chaurasiya Resident of village - Khujwa, P.S. - Raghunathpur, Dist. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ranjit Kumar, Advocate
For the Opposite Party/s :	Mr.Ramsewak Chaudhary, APP
For the Informant :	Mr. Mayank Mohan, Advocate
	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner, the informant
and the State.

2. This is the second anticipatory bail application moved by the petitioner in connection with Raghunathpur P.S. Case No.211 of 2022 registered for the offences under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. His earlier application being Cr. Misc. No.7312 of 2023 stood dismissed vide order dated 16.05.2023 after noticing the allegations against the petitioner and the fact that the victim had suffered two injuries out of which one was found grievous in nature on the head of the victim.

4. Learned counsel for the petitioner submits that, it would appear from the order passed by this Court earlier that this



Court was not informed that the doctors who examined the injured found that the injuries were caused by hard and blunt substance. So far as this petitioner is concerned, the allegation against him is that he had assaulted by *farsa*. It is submitted that the allegation of causing assault was also against the co-accused Rakesh Chaurashiya who had allegedly assaulted the injured by lathi, he has been granted privilege of anticipatory bail in Cr.Misc. No.47210 of 2023 by a learned coordinate Bench of this Court.

5. It is submitted that the fact that the co-accused has been granted bail by a learned coordinate Bench of this Court would be another reason for this petitioner to file another anticipatory bail application.

6. On the other hand, learned counsel for the informant submits that in the FIR there is an allegation that this petitioner had assaulted the informant on his head by *farsa* as a result whereof he suffered injury and when he was trying to flee away then Rakesh Chaurashiya had assaulted him by *lathi*. This Court having considered the entire materials on the record rejected the prayer of the petitioner vide order contained in Annexure-1 to this application.

7. It is pointed out that after 1½ month from the date of rejection of his prayer for anticipatory bail when the petitioner did not surrender in the court below, on 04.07.2023 the learned court



below issued process under Section 82 Cr.P.C. Petitioner moved this Court in Cr. Misc. No.57708 of 2023 for quashing of the said order issuing process under Section 82 Cr.P.C. but in ultimate analysis a learned coordinate Bench of this Court dismissed the petition vide order dated 20.09.2023. In these circumstances, when the petitioner has not surrendered even after issuance of process under Section 82 Cr.P.C. and has approached this Court and no plausible ground to file a second anticipatory bail application has been shown, it is required to be dismissed.

8. Having regard to the submissions noted hereinabove, this Court finds no reason to entertain the second anticipatory bail application. No plausible reason much less any ground has been made out to entertain this second anticipatory bail application. It is, accordingly, dismissed.

9. If the petitioner surrenders within a period of four weeks from today, his prayer for regular shall be considered by the learned court below without being prejudiced by the order of this Court. It will be open for the petitioner to place all such materials before the court in support of his contentions.

(Rajeev Ranjan Prasad, J)

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