

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55016 of 2024

Arising Out of PS. Case No.-239 Year-2017 Thana- SHAHPUR PATORI District- Samastipur

Rakesh Kumar Rai@Rakesh Kumar Ray@Rakesh Prasad Mahto@Rakesh
Mahto@Rakesh Rai@Rakesh Son of Late Yogi Mahto Resident of Village-
Jalalpur, P.S.- Patory (Mohanpur O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Patory (Mohanpur O.P.) P.S. Case No.239 of 2017 for the offence under Sections 420, 467, 468, 471, 504 and 506 of the I.P.C. lodged on 01.07.2017 by the informant, Anil Kumar.

3. As per the informant, the land belong to him and this petitioner along with Vishwanath Mahto, fraudulently got it registered from one Uruhul Devi. Upon query, he was threatened/abused which followed the FIR.

4. The case is of the year 2017 and earlier the petitioner along with Vishwanath Mahto moved in Criminal Miscellaneous No.47224 of 2017 which came to be rejected on



09.11.2017 by a Bench of this Court (Hon'ble Mr. Justice Sanjay Priya), as he then was directing him to surrender and seek bail (Annexure 1 to the petition).

5. Seven years later, this anticipatory bail on the ground that he is a Teacher and has entered into a compromise with the informant and a petition to this effect has also been filed before the Learned C.J.M, Samastipur on 03.06.2024.

6. Though learned counsel for the informant has appeared and he is in agreement that they have patched up the matter, learned APP submits that it has taken seven years for the petitioner to seek relief particularly when the earlier anticipatory bail was rejected in the year 2017.

7. In view of the fact that the anticipatory bail stands rejected in the year 2017, the Court is unable to extend him the same reliefs seven years later in view of the fact that he has defied the order of the Court directing him to surrender and seek bail. However, now the situation has changed, the informant has appeared through his lawyer and has admitted that the compromise has taken place.

8. In that background, while rejecting the prayer for anticipatory bail, this Court observes that if the petitioner surrenders and prefers bail before the concerned Court in next



four weeks, considering the fact that he is a Teacher and the compromise has already taken place and the informant is there to confirm the fact, he shall take up the bail application and dispose it on the same day and while passing the order may consider all the points that has been incorporated hereinabove.

(Rajiv Roy, J)

Ankit Kumar/-

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