

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59934 of 2024

Arising Out of PS. Case No.-730 Year-2023 Thana- AMARPUR District- Banka

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ARVIND SHARMA S/o- MATVIR SHARMA RESIDENT OF OREYA P.S-
AMARPUR, DIST-BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Pandey

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-09-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Amarpur Police Station Case No. 730 of 2023 dated 31.10.2023 registered under Sections 341, 323, 324, 307, 385, 379, 504, 506, 34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 31.10.2023 while the informant Kamal Kishore Rai was constructing a boundary wall in his residential premises, the petitioner, along with others, came and obstructed the informant from constructing boundary and when the informant's brother, namely, Aditya Anand, protested, then, the petitioner and co-accused persons assaulted him by means of farsa and iron rod respectively.



When the informant and others intervened, the petitioner gave axe blow on the head of Bimal Kishore Rai and co-accused Krishana Nand Sharma assaulted the informant by means of the butt of the pistol.

4. This is the second attempt on behalf of the petitioner for grant of anticipatory bail inasmuch as earlier anticipatory bail application of the petitioner was rejected by this Court, vide order, dated 17.02.2024, passed in Criminal Misc. No. 4700 of 2024.
5. Learned Counsel submits that the petitioner has moved this application for anticipatory bail for the second time on the ground that the petitioner is suffering from kidney problem and that the petitioner has been born with only one kidney.
6. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the ground raised by the petitioner for maintaining this second anticipatory bail application was available to him at the time of rejection of the first anticipatory bail application, as such, this anticipatory bail application is not maintainable.
7. Having regard to the submissions made on behalf of the



parties and taking into consideration that at the first instance the anticipatory bail application of the petitioner was rejected on its own merit and there is no fresh ground for filing this second anticipatory bail application, this second anticipatory bail application is not maintainable.

8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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