

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62052 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Harendra Prasad Yadav @ Harendra Rai S/o Kailash Prasad Yadav @ Kailash
Ray Resident of Village- Barharwa Khurd, PS- Dumariyaghat, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Anang Mohan Sinha, Adv.
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, APP.
	Mr. Sanjay Kumar, Adv.
	Mr. Shashi Shekhar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 13-09-2024 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. Earlier the anticipatory bail application of the petitioner
was rejected by this Court on 21.03.2024 in Cr. Misc. No.4641
of 2024. Now, the petitioner has filed this second anticipatory
bail application.

3. The petitioner apprehends his arrest in connection with
Dumariyaghat P.S. Case No.51 of 2023, registered for the
offence punishable under Sections 341, 323, 324, 307, 379, 385,
447, 504, 34 of the Indian Penal Code.

4. As per the FIR, on 15.02.2023, all the FIR named accused
persons including the petitioner are said to have abused and



assaulted the informant's side brutally due to which they sustained injuries.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to previous enmity. No such occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioner. Petitioner has two criminal antecedents, as mentioned in para 3 of the bail application.

6. Learned APP for the State opposed the prayer for anticipatory bail by submitting that in view of the recent decision of the Supreme Court in the case of ***G.R. Ananda Babu vs. State of Tamil Nadu and Another reported in 2021 SCC Online SC 176***, this second anticipatory bail application is not maintainable.

7. Considering the decision of the Supreme Court in the case of ***G.R. Ananda Babu (supra)***, the second anticipatory bail application of the petitioner is not maintainable and it is accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in



accordance with law without being prejudiced by this order
keeping in view the judgment of the Apex Court in the case of
Satendra Kumar Antil v/s. Central Bureau of Investigation &
Anr. reported in *(2022) 10 SCC 51*.

(Anjani Kumar Sharan, J)

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