

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76168 of 2024

Arising Out of PS. Case No.-743 Year-2023 Thana- KHAGARIA District- Khagaria

Nitish Kumar S/o- Prakash Singh R/o- Prakash Apartment Sanhauuli Police
Station-Muffasil District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K.

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Khagaria
(Chitragupt Nagar) Case No. 743 of 2023 registered for the
offences punishable under Sections 420, 406, 34 of the I.P.C..

3. Earlier by order dated 03.07.2024 passed in Cr.
Misc. No. 28890 of 2024, the prayer for anticipatory bail of the
petitioner was rejected. Now, he has renewed his prayer for
anticipatory bail.

4. The allegation against the petitioner is that he took
Rs.26 lakhs from the informant by committing fraud.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. 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 two criminal antecedents as mentioned in para-3 of this application.

6. Per contra, learned APP for the State vehemently opposing the bail of the petitioner submitted that the allegations levelled against the petitioner is serious in nature, hence, he does not deserve privilege of 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.

(Anjani Kumar Sharan, J)

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