

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11235 of 2026

Arising Out of PS. Case No.-456 Year-2024 Thana- PAKARIBARAW District- Nawada

Md. Afsar Son of Md. Asraf R/o Mohalla - Mirishikar Toli Near Juma Masjid
Shershah Road, Dhanuki, Alamganj, P.O. - Gulzarbagh, P.S. - Alamganj,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has renewed his prayer for anticipatory bail in connection with Pakaribaraw P.S. Case no. 456 of 2024 registered under section 309(3) of the Bharatiya Nyaya Sanhita, 2023.

3. At the outset it may be mentioned here that the earlier application for anticipatory bail of the petitioner in connection with the instant F.I.R. was rejected vide order dated 8.10.2025 passed in Cr. Misc. no.41098 of 2025. While rejecting the application for bail, the petitioner was directed to surrender in the learned Court below with a period of four weeks i.e. on or before 5.11.2025.

4. It is submitted by learned counsel for the petitioner



that the bail was rejected taking into consideration the statement made by one Md. Tabish Khan before police who identified the vehicle used in the offence and of which the petitioner was the registered owner. Learned counsel submits that the said Md. Tabish Khan has sworn an affidavit, a copy of which has been brought on record as Annexure-P/5 to the instant application stating therein that he never made such statement before the police rather the police authority forcibly took his signature. This affidavit is dated 18.11.2025, subsequent to the rejection of bail of the petitioner on 8.10.2025.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and having perused the contents of the petition, it transpires that the earlier application for anticipatory bail of the petitioner was rejected vide order dated 8.10.2025 (Annexure-P/1) taking into consideration the material that had transpired in course of investigation. Affidavit sworn by one of the witnesses subsequently cannot be a ground for renewal of prayer for anticipatory bail. In the opinion of the Court, the instant application filed for a second anticipatory bail is frivolous and fit to be rejected.



7. The application is accordingly rejected with a cost of Rs. 1000/-, which shall be deposited in the Patna High Court Legal Services Committee within a period of three months.

8. The petitioner will surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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