

# Awadhesh Rai vs The State Of Bihar on 14 December, 2022

**Author: Chandra Shekhar Jha**

**Bench: Chandra Shekhar Jha**

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70472 of 2022

Arising Out of PS. Case No.-4 Year-2017 Thana- RAGHOPUR District-

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1. Awadhesh Rai S/o Late Suraj Rai R/v- Khushrooppur (Banshtal Chauraha, Ganichak), P.S.- Khushrooppur, District- Patna
2. Dinesh Rai s/o late suraj rai r/v- khushrooppur (banshtal chauraha, ganichak), p.s.- Khushrooppur, District- Patna
3. Udesb Rai s/o late suraj rai r/v- khushrooppur (banshtal chauraha, gani p.s.- Khushrooppur, District- Patna

... ..

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 14-12-2022

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Raghopur P.S. Case No. 04 of 2017 registered for the offence under Section 364, 365, 34 of the I.P.C.

The accused/petitioners are named in the F.I.R. The allegation against the petitioners is to kidnap the brother of the informant in order to murder and with intention to secretly and wrongfully confine him.

Learned counsel appearing on behalf of the petitioners Patna High Court CR. MISC. No.70472 of 2022(2) dt.14-12-2022 submitted that on earlier occasion, while dealing business with anticipatory bail prayer of all above named petitioners was rejected by this learned Court, but same perhaps required to revisit, as one of the co-accused persons having similar allegation of kidnapping granted

anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 18319 of 2021 vide order dated 09.05.2022. It is also submitted that there is no allegation of kidnapping against this petitioner, as per F.I.R.

It appears that earlier prayer of anticipatory bail was rejected vide order dated 16.06.2022, as passed in Cr. Misc. No. 39080 of 2021, on appreciation of merit and fact as raised through submissions by learned counsel appearing on behalf of the petitioners.

Having no occasion to revisit the earlier order dated 16.06.2022, the prayer of anticipatory bail is rejected on reconsideration.

However, petitioners may surrender before the learned Trial Court/concerned Court, where learned Court may consider the prayer of bail, without being prejudiced of this order, in accordance with law.

(Chandra Shekhar Jha, J) Archana/-

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