

In The Court of Sessions Judge, Vaishali
A.B.P. No. 1299 of 2026
(Arising out of Bidupur P.S. Case No. 406 /2021)

1. Rajeev Ranjan, aged about 43 years, son of Late Bhola Singh,
2. Ramesh Kumar, aged about 57 years Son of Late Bhola Singh
Residents of village – Sitalpur Kamalpur, PS - Bidupur, District Vaishali
..... Petitioners

Versus

State of Bihar Respondent

Appearance:

Ld. Public Prosecutor for the State : Sri Shyam Babu Rai.
Ld. Counsel for the Petitioner : Sri Dilip Kumar Singh ,Ld. Adv.
Ld. Counsel for the informant : Sri Vijay Kumar, Ld. Adv.

Present: Harshit Singh,
Sessions Judge, Vaishali.

Date of Order: 29th. July, 2026

Second Anticipatory Bail Petition filed on behalf of petitioners named above, who apprehend their arrest in connection with Bidupur P.S. Case No. 406/2021 registered u/s 420, 120(B), 467, 468, 471, 504 & 506/34 of I.P.C. is put up and moved today.

Copy of bail petition has already been served to the Ld. P.P. for the prosecution.

Learned Counsel for the petitioners submitted that petitioners are quite innocent and have been falsely implicated in the present case. Earlier the anticipatory bail of this petitioners was rejected by this Court in A.B.P. No. 1125 of 2022. Other than, no bail petition was filed on behalf of the petitioners in this matter either before this learned Court or before the Hon'ble High Court nor is pending before any other Court. Ld. Counsel for the petitioners has further stated that, petitioners have got no criminal antecedent. The petitioners are innocent and have committed no offence. The petitioners have been falsely implicated in this case. The victim of this case, Kumar Pallav has filed a petition before the learned trial court that on the date of execution of sale deed, he was major and accused persons have not cheated any one. The case has been compromised between the parties. A compromise petition duly signed by both parties has also been filed before this court. Therefore, petitioners be enlarged on anticipatory bail.

Learned P.P. for the State vehemently opposed such Bail Petition and prayed to reject the anticipatory bail of the petitioners.

Learned Counsel for informant submitted that the case has been amicably compromised between the parties.

In The Court of Sessions Judge, Vaishali
A.B.P. No. 1299 of 2026
(Arising out of Bidupur P.S. Case No. 406 /2021)

The prosecution case in short is that the informant is authorized legal guardian of Kumar Pallav and Bitika Sargam who are son and daughter of his son-in-law and daughter who died in the year 2009 and 2013 respectively. The informant's son-in-law were four brothers and their ancestral land are recorded under Jamabandi no.93 in the name of Late Yamuna Singh, grand father of the informant's grand son (Nati). On 22.05.2021 Ajay Kumar Singh, third uncle of informant's grand son (Nati) informed through mobile phone that **Rajiv Ranjan and Ramesh Kumar** have executed sale deed with regard to 10 dhur of land of khata no. 95 having total area of one katha worth Rs.1,35,000/- on 15.04.2019. The informant further came to know that **Rajiv Ranjan** has taken Rs.4,70,000/- from purchaser Subodh Kumar. It is further alleged that accused Rajiv Ranjan sold 5 dhur land of the share of the informant's grand son and grand daughter namely Kumar Pallav and Bitika Sargam to Subodh Kumar through sale deed on 15.04.2019 on which **Ramesh Kumar** has been made identifier. On the basis of the written report this instant case was registered.

From perusal of trial record it transpires that there is allegation against the accused petitioners that they sold the land of the share of the informant's grand son and grand daughter without any right, and title.

From perusal of case record, it transpires that, the anticipatory bail of petitioners has already been rejected by this Court vide order dated 01.12.2022 passed in A.B.P. No. 1125 of 2022. It further appears that the victim Kumar Pallav appeared physically with his learned counsel on 16.07.2026 and filed a compromise petition duly signed by him and also supported the factum of compromise. He also stated that his sister Bitika Sargam is at present residing in USA and with the consent of his maternal grand father/informant and sister he has compromised the case.

Recourse may also be taken from a categorical finding given by the Hon'ble Apex Court on the issue in **Md. Shamim Khan v. The State of Jharkhand SLP (Crl) No. 9449 of 2021 (16.12.2021 - SC Order): MANU/SCOR/53999/2021** which was made like this: "Even before us, the learned counsel for the petitioner is unable to show any change of circumstances to invoke the jurisdiction of filing second application under Section 438 of the Code before the High Court. We deprecate such practice of filing second bail application under Section 438 of the Code after the first being rejected."

In Suresh Chand v. State of Rajasthan 2001 SCC Online Raj 534 dealing with the question whether after rejection of anticipatory bail application by the High Court, the accused is entitled to make second bail application before the Sessions Court under Section 438 Cr.P.C., it was propounded that after rejection of bail application

In The Court of Sessions Judge, Vaishali
A.B.P. No. 1299 of 2026
(Arising out of Bidupur P.S. Case No. 406 /2021)

under Section 438 Cr.P.C. by the High Court second anticipatory bail application is not maintainable. Further, **after rejection of bail application made by the accused petitioner before the High Court under Section 438 Cr.P.C. second bail application for the same relief is not maintainable even before the High Court and the Sessions Judge has absolutely no jurisdiction to entertain the second anticipatory bail application.**

The Hon'ble High Court, Patna in Criminal Miscellaneous No. 45844 of 2023 (Raj Kishore Chaurasiya @ Raj Kishore Prasad Vs. The State of Bihar) has observed in para 8 and 9, "8. Having regard to the submissions noted hereinabove, this Court finds no reason to entertain the second anticipatory bail application. No plausible reason much less any ground has been made out to entertain this second anticipatory bail application. It is accordingly dismissed.

9. If petitioner surrenders within a period of four weeks from today, his prayer for regular shall be considered by the learned Court below without being prejudiced by the order of this Court. It will be open for the petitioner to place all such materials before the Court in support of his contention".

The Hon'ble High Court, Patna in Criminal Miscellaneous No. 62052 of 2024 (Harendra Prasad Yadav @ Harendra Rai Vs. The State of Bihar) has observed 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".

Therefore, in the aforesaid facts and circumstances, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, Second Anticipatory Bail Petition of the petitioners named above is hereby rejected

However, if petitioners surrender within a period of four weeks from today, their prayer for regular shall be considered by the learned trial court without being prejudiced by the order of this Court. It will be open for the petitioners to place all such materials before the Court in support of their contention.

Dictated

Harshit Singh ,
Sessions Judge, Vaishali
29.07.2026