

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32015 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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Chandan Ram, Son of Bharat Ram, resident of Village- Raghunathpur,
P.O. + P.S- Turkauliya, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha
Mr. Pravin Kumar

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3. 17-08-2016 Heard Sri Ashutosh Jha, learned counsel, who was
assisted by Sri Pravin Kumar, learned counsel for the petitioner
and Smt. Asha Devi, learned Addl. Public Prosecutor.

This is the second time for grant of bail on behalf of
petitioner in a case registered for offence under Section 307 &
other allied sections of the Indian Penal Code and Section 27 of
the Arms Act, 1959.

Earlier, by order dated 21-01-2016 passed in Cr.
Misc. No. 57691 of 2015, the prayer for bail of the petitioner was
rejected on merit as well as on the ground that against the
petitioner, there were altogether 20 serious cases. This time, the
prayer for bail has been renewed on the ground that other co-
accused has been granted bail by this Court and also on merit.



By way of referring to Annexure 3 series, learned counsel for the petitioner submits that even in case in which accused were having criminal antecedents have been granted bail. He further submits that the condition, which has been imposed in Annexure – 3 series, may be imposed in the present case so that the petitioner may cooperate during the trial.

The Court is of the opinion that once on merit, the prayer for bail is rejected, there is no reason to examine the case on merit at subsequent stage. So far as grant of bail to other two accused persons is concerned, it is not a case that earlier their prayer for bail was rejected. Moreover, in the present case, this Court, while rejecting the bail petition, had noticed that petitioner was accused in about 20 serious cases. At the very outset, the Court wanted to call for a report from the court below regarding stage of the case, however; learned counsel for the petitioner insisted to grant bail on the ground that other two accused persons have been granted bail.

The Court is of the opinion that once on merit, this Court had rejected the prayer for bail of the petitioner, there is no reason to entertain the present prayer for bail even on the ground as to whether other accused persons have been granted bail or not, particularly, in view of the fact that petitioner is

having criminal antecedent and accused in about 20 serious cases.

The prayer for bail again stands rejected.

(Rakesh Kumar, J.)

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