

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50809 of 2017

Arising Out of PS. Case No.-436 Year-2015 Thana- NAWADA District- Nawada

Ram Krishna Vishwakarma, son of Late Mishri Mistri, resident of Mohalla-Shastri Nagar, P.S. & District-Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Arjun Mahto, son of Kameshwar Mahto, resident of village-Lengura, P.S. Rajauli, District-Nawada

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Bikram Singh, Adv.
Mr. Dr. Kislay, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-11-2017 Heard Sri Bikram Singh, learned counsel, assisted by Sri(Dr.) Kislay, learned counsel for the petitioner and learned Addl. Public Prosecutor.

It is a peculiar case filed under Section 439(2) of the Code of Criminal Procedure with a prayer to cancel the order dated 21.12.2016 passed in Cr.Misc.No.29565 of 2016. By the said order, this Court, primarily noticing the fact that it was a case of business transaction, had extended the privilege of anticipatory bail to the accused Arjun Mahto, who was petitioner in Cr.Misc.No.29565 of 2016.

Sri Bikram Singh, learned counsel appearing on behalf of the petitioner tried to persuade the Court that on earlier occasion



an incorrect information was given and the informant/petitioner was also threatened by the accused (Opp.Party no.2) not to appear and this was the reason that in Cr.Misc.No.29565 of 2016 he has failed to appear for opposing the prayer for anticipatory bail.

However, after going through the order, whereby Arjun Mahto, the petitioner of Cr.Misc.No.29565 of 2016 was extended the privilege of anticipatory bail, the Court is of the opinion that considering the merit of the case he was extended the same privilege. Moreover, once an order was passed on merit, in view of Section 362 of the Code of Criminal Procedure, this Court is not entitled to review its earlier order.

Accordingly, the petition stands dismissed.

(Rakesh Kumar, J)

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