

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55175 of 2017

Arising Out of PS. Case No.-16 Year-2016 Thana- CHAKAI District- Jamui

Shashi Bhushan Ray, Son of Vindeshwari Ra,i resident of Village - Sono,
Police Station - Sono, District - Jamui.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Adv.
Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-11-2017 Heard Sri Sunil Kumar Pathak, learned counsel, assisted
by Sri Pramod Kumar, learned counsel for the petitioner and
learned Addl. Public Prosecutor.

This is second attempt for grant of anticipatory bail on
behalf of the petitioner in connection with Chakai P.S. Case
No.16/2016 registered for the offence under Sections 409, 353
of the Indian Penal Code. The petitioner was Panchayat
Secretary and considering the seriousness of accusation, earlier
the prayer for anticipatory bail was rejected long back on
27.07.2016 vide Cr.Misc.No.28392 of 2016.

Learned counsel for the petitioner has drawn my attention
to Annexure-3 to the petition i.e. an order dated 18.10.2017
passed in Cr.Misc.No.49215 of 2017 by a Co-ordinate Bench of
this Court. Learned counsel for the petitioner tried to persuade



the Court that at least two accused persons, in similar circumstances, have already been extended the privilege of anticipatory bail and, as such, the prayer for anticipatory bail of the petitioner may be considered or some observation may be recorded, so that the petitioner may appear before the court below.

The Court is of the opinion that once in a case an anticipatory bail petition is rejected, the accused is required to surrender before the court below or he may approach the Hon'ble Supreme Court. In the present case, long back on 27.07.2016, considering the fact that the petitioner was Panchayat Secretary, this Court had rejected the prayer for anticipatory bail. To the reasons best known to the local police, the petitioner is still at large and this is the reason that the petitioner has again filed a petition for grant of anticipatory bail. It's hardly matter as to whether other accused persons have been granted anticipatory bail or not but once this Court has rejected the anticipatory bail of the petitioner, certainly second anticipatory bail may not be considered.

Accordingly, the petition stands dismissed. While dismissing the petition, it is desirable to direct the concerned Superintendent of Police to examine as to under what



circumstances, the petitioner is still at large, even though his anticipatory bail petition was earlier rejected long back on 27.07.2016.

Let a copy of this order be sent to the concerned Superintendent of Police.

(Rakesh Kumar, J)

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