

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46889 of 2017

Arising Out of PS. Case No.-117 Year-2017 Thana- KIUL RAIL P.S. District- Lakhisarai

Santosh Kumar, son of Raj Kumar Paswan, resident of Chhoti Pahari, P.S.-
Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

4 13-12-2017 Perused the office notes.

It appears that two bail petitions were filed on behalf of petitioner, namely, Santosh Kumar. First case, i.e., Cr. Misc. No.43948/2017, was filed on 8.09.2017 by two accused persons. Petitioner No.1 was Sonu Kumar and the petitioner no.2 was Santosh Kumar,i.e., the present petitioner. The affidavit of the aforesaid case was sworn by the father of the petitioner no.1, Sonu Kumar. The present bail petition was filed on 20.09.2017 and the affidavit was sworn by the elder brother of the petitioner. In the first case, bail was granted on 15.09.2017, i.e., even before filing of the present application on 20.09.2017. In this case also, vide order dated 21.09.2017, bail has been granted to the petitioner Santosh Kumar. The court concerned has written a letter that the accused was released pursuant to the



first bail order dated 15.09.2017 passed in Cr. Misc. No. 43948/2017 and, thereafter, second bail order has also come, so he is in fix as to what is to be done.

It is submitted on behalf of the petitioner that it appears that by mistake two bail petitions were filed and the 'pairvikar', i.e., elder brother of the petitioner did not have any knowledge regarding the earlier bail application having been filed otherwise there was no question of filing of another bail petition even after grant of bail in the earlier.

In such a situation, the order granting bail dated 21.09.2017 is recalled and this application is dismissed as infructuous.

(Dr. Ravi Ranjan, J)

V.K.Pandey/-

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