

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30573 of 2018

Arising Out of PS. Case No.-48 Year-2017 Thana- Mehsi District- East Champaran

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1. Shyam Sahani
2. Basdeo Sahani.

Both are son of Chalitah Sahni, Resident of Village – Bakhri Nazir, P.S. - Mehsi, District – East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh
For the Opposite Party/s : Mr. Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 27-06-2018 Heard Sri Shanti Bhushan Singh, learned counsel for the petitioners and learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of anticipatory bail on behalf of two petitioners. Earlier, these two petitioners with other six accused had approached this Court with a prayer to grant anticipatory bail, vide Cr. Misc. No. 46351 of 2017, which stood dismissed on 17-10-2017. Despite the fact that anticipatory bail of both the petitioners was rejected long back in the month of October, 2017, both the petitioners have again approached this Court for granting same relief.

Learned counsel for the petitioners tried to persuade the Court that both the petitioners are innocent and they were falsely implicated.

In view of the fact that after hearing, the prayer for anticipatory bail of both the petitioners alongwith others was



already rejected, there is no reason to allow learned counsel for the petitioners to argue the case again on merit, since it will amount to review/recall of its earlier order, which is prohibited under Section 362 of the Code of Criminal Procedure, 1973. Accordingly, there is no reason to entertain the present petition.

The present petition stands dismissed.

Considering the fact that petitioners' anticipatory bail petition was rejected on 17-10-2017, which was instituted for offence under Section 307 & other allied sections of the Indian Penal Code as well as for violation of provision contained in Bihar Prohibition & Excise Act, 2016, the Court is surprised as to how both the petitioners are still at large. In such circumstances, while dismissing anticipatory bail petition, it is desirable to direct the concerned Superintendent of Police to examine as to under what circumstances, both the petitioners are still at large.

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

(Rakesh Kumar, J.)

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