

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53749 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- GANDHIMAIDAN District- Patna

Diwakar Lal, Son of Late Dina Nath Roy, Resident of Village - Alkapuri, P.S.-
Anisabad, P.S.- Gardanibagh, Dist.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kulanand Jha

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-09-2019 This matter has drawn the attention of this Court since the petitioner has preferred two Criminal Miscellaneous applications with a prayer for anticipatory bail in connection with Gandhi Maidan P.S. Case No. 09 of 2019.

It appears that the petitioner, Diwakar Lal preferred Cr. Misc. No. 47978 of 2019 with a prayer for anticipatory bail in connection with Gandhi Maidan P.S. Case No. 09 of 2019 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code. The said application was registered on 31.07.2019. The petition was affidavited by one Sunil Rai, cousin brother of the petitioner and the bail application was filed by Md. Helal Ahmad, Mr. Naushad Akhtar and Mr. Vikash Kumar Shukla, Advocates.

The prosecution case is that the informant being the



Managing Director of a company known as Modem Ad Agency Pvt. Ltd submitted a written report before the Station House Officer, Gandhi Maidan Police Station to the effect that co-accused Dhiraj Kumar Singh, being Accountant of the said company withdrew altogether eighty lakhs rupees by forging signature of the informant and deposited the said amount in the bank accounts of his relatives including his own bank account.

It was submitted that the petitioner was a petty contractor and for construction work, the amount was transferred in his bank account, thrust of accusation is against co-accused Dhiraj Kumar Singh and co-accused Satish Kumar Singh has been granted anticipatory bail vide order dated 12.07.2019 passed in Cr. Misc. No. 43066 of 2019 by a Co-ordinate Bench of this Court and considering the aforesaid facts, the petitioner was granted anticipatory bail by this Court vide order dated 01.08.2019 passed in Cr. Misc. No. 47978 of 2019.

It appears that another Cr. Misc. No. 53749 of 2019 was preferred by the same petitioner, Diwakar Lal with a prayer for anticipatory bail in connection with the same Gandhi Maidan P.S. Case No. 09 of 2019 and the same was registered on 26.08.2019. The said application was affidavited by one Rajeev Kumar, who is the brother-in-law of the petitioner and in



the said application Vakalatnama was filed through Mr. Kulanand Jha and Mr. Nagendra Kumar, Advocates. Consequently, learned counsel for the petitioner was directed to file an affidavit on behalf of the petitioner as well as the deponent, Rajeev Kumar as under what circumstances the second anticipatory bail application was filed vide order dated 04.09.2019.

In response to the order dated 04.09.2019 the petitioner as well as the deponent, Rajeev Kumar have filed affidavits. The petitioner has stated that inadvertently, the second anticipatory bail application has been filed.

Though, prima facie, it does not reflect that inadvertently the two bail applications have been filed in connection with one and the same case by the same petitioner but considering the fact that the statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and thrust of accusation is against co-accused Dhiraj Kumar Singh, this Court is not inclined to proceed further in the matter.

Accordingly, Cr. Misc. No. 53749 of 2019 is dismissed.

However, the petitioner as well as the Advocates on



record be careful in future while filing such repeated applications.

(Dinesh Kumar Singh, J)

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