

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79767 of 2019

Arising Out of PS. Case No.-226 Year-2018 Thana- KATRA District- Muzaffarpur

1. RITESH KUNWAR @ RITESH KUMAR S/o Ashok Kunwar @ Ashok Kumar @ Ashok Kumar Kunwar Resident of Village- Tehbara, P.S.- Katra, District- Muzaffarpur.
2. Ashok Kunwar @ Ashok Kumar @ Ashok Kumar Kunwar S/o Late Tapeswar Kunwar Resident of Village- Tehbara, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-01-2020 The petitioners' application for anticipatory bail was rejected by an order dated 25.01.2019, passed in Cr. Misc. No. 785 of 2019, mainly on the ground that a case of commission of offence punishable under Sections 30(a), 38(i)(ii) of the Bihar Prohibition and Excise Act, 2016 was made out. In view of the Bar under the Act, the petitioners' application for anticipatory bail was rejected, as not maintainable. The petitioners were directed to surrender before the court below within four weeks from passing of the order.

The second anticipatory bail application has been filed on the ground that two other co-accused persons have been



allowed anticipatory bail by an order of this Court dated 22.02.2019, passed in Cr. Misc. No. 10626 of 2019, which also arose out of same Katra P.S. Case No. 226 of 2018.

There are two reasons why I am not inclined to entertain this application. Firstly, in the order dated 22.02.2019, there is no reference to the statutory Bar of grant of anticipatory bail under the provisions of the Act and secondly, the Court cannot review or revise its orders passed in a criminal case.

The fact remains that the petitioners have defied this Court's order dated 25.01.2019 whereby they were asked to surrender before the court below. They have chosen to file the present anticipatory bail application nearly 11 months after rejection of their previous anticipatory bail application.

This application is meritless and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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