

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9229 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Dilip Kumar (male), age near about 25 years, S/o Ram Pravesh Kunwar R/o
village- Ghosaut, P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Adv.

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 03-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for anticipatory bail in connection with Siwaipatti P.S. Case No. 46 of 2019, having earlier been rejected by the order dated 20.06.2019 in Criminal Miscellaneous No. 37423 of 2019 for the alleged offences alleged under Sections 272, 273, 120(B)/34 of the Indian Penal Code and Sections 30, 30(A), 38, 41 of the Bihar Excise Prohibition Act, 2016.

3. Learned counsel for the petitioner submits that in a subsequent development, co-accused Sujit Kumar @ Sujit Singh has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 07.08.2019 passed in Cr. Misc. No. 34950 of 2019 (Annexure-2).



4. I am not impressed with the submission of the petitioner. The earlier dismissal order was passed by me upon a detailed consideration of the law as discussed in the said order.

5. Even though the same counsel appeared in both matters, it is evident that the rejection order dated 20.06.2019 was not brought to the notice of the coordinate Bench of this Court which passed its order subsequently on 07.08.2019.

6. It is, therefore, a manifestly unhealthy approach on the part of counsel to now rely on the anticipatory bail order of co-accused Sujit Kumar @ Sujit Singh. He has even gone to the extent of requesting this Bench to differ from its earlier view and instead adopt the view of the coordinate Bench. I refrain from saying more.

7. In any event, this Court is not inclined to take a different view of the matter and reiterates that in the facts and circumstances of the case, the prayer for anticipatory bail is not maintainable in terms of Section 76(2) of the said Act for the detailed reasons already enumerated in my earlier order dated 20.06.2019. This petition stands dismissed.

8. If the petitioner surrenders and seeks regular bail before the learned court below, the same shall be considered on its own merit in accordance with law without being prejudiced



by any observation in the present order.

(Vikash Jain, J)

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