

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16585 of 2020

Arising Out of PS. Case No.-186 Year-2018 Thana- SIKANDRA District- Jamui

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Bablesh Kumar @ Bablesh Yadav, aged about 20 years, Male, Son of Ram Bilash Yadav, Resident of Village - Dharsanda, PS- Sikandara, District – Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the State : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and Mr. Narsingh Tanti, learned Additional Public Prosecutor (APP) for the State.

3. The petitioner apprehends arrest in connection with Sikandra PS Case No. 186 of 2018 dated 15.08.2018, instituted under Sections 147, 148, 341, 323, 307, 325 and 379/504 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 07.01.2020 passed in Cr. Misc. No. 83074 of 2019.



5. Learned counsel for the petitioner submitted that though the matter has been heard and dismissed on merits but subsequent to the order of rejection, co-accused Mahesh Yadav and Shyam Sundar Yadav, have been granted anticipatory bail by a co-ordinate Bench by judgment and order dated 05.02.2020 passed in Cr. Misc. No. 75559 of 2019 and the petitioner is similarly situated.

6. Learned APP submitted that the present petition is not maintainable as on merits, the Court has considered and rejected the prayer and grant of anticipatory bail to co-accused is not germane for consideration of the present application.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of leaned APP. On 07.01.2020, the Court had considered the merits and then had declined to grant pre-arrest bail to the petitioner. Thus, there being no change in the circumstances, the Court does not find any occasion to review its earlier order on merits, which has now attained finality.

8. For reasons aforesaid, the present petition stands dismissed.

9. However, in view of submission of learned counsel for the petitioner, it is observed that if the petitioner appears before



the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order. It shall be open to the petitioner to press all points, including the fact that similarly situated co-accused have been granted anticipatory bail.

(Ahsanuddin Amanullah, J.)

P. Kumar

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