

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43951 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- CHAPRA RAIL P.S. District- Saran

Yogendra Rai, son of Chandrika Rai, R/o Village- Mithepur, P.S.- Garkha,
District- Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 44822 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- CHAPRA RAIL P.S. District- Saran

DEEPAK KUMAR, Son of Shatrughan Prasad Resident of Village -
Mithepur, P.S. - Garkha, District - Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 45503 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- CHAPRA RAIL P.S. District- Saran

ARJUN KUMAR, S/o Kameshwar Mahto, Resident of Village- Sadha Dhala,
Newaji Tola, Bazar Samittee, P.S.- Chapra (M), District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43951 of 2021)

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 44822 of 2021)

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 45503 of 2021)

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr.Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-11-2021 With consent of learned counsel for the parties, all

these applications have been taken up together for



consideration.

These applications have been filed for grant of pre-arrest bail to the petitioners in connection with Chapra Rail P.S. Case No. 41 of 2020 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

From the order dated 14.12.2020 passed in Cr. Misc. No. 26019/2020 (Annexure -1) it appears that the petitioners had moved this court for identical relief and the application filed on behalf of the petitioners was withdrawn unconditionally. Now by a change of lawyer second attempt has been made to obtain anticipatory bail.

On reading of the order dated 14.12.2020, it appears that withdrawal was unconditional. After about eight months from the said date these applications have been filed but there is no averment at all in the petitions as to why and under what circumstances the earlier application was withdrawn and thereafter these applications have been filed.

Be that as it may, learned counsel for the petitioners have informed this Court that in the same case the co-accused Vikash Kumar has been granted regular bail by a learned coordinate Bench of this Court in Cr. Misc. No. 18529/2020.



Their submission is that the name of these petitioners have transpired in the confessional statement of said co-accused Vikash Kumar and otherwise there is no material against them.

If it is so, this Court is of the considered opinion that the petitioners may surrender in the learned court below without losing time and pray for regular bail before the learned court below. If the co-accused Vikash Kumar has been granted regular bail by a learned coordinate Bench of this Court and otherwise there is no material against these petitioners, learned court below shall consider passing appropriate order on the surrender cum bail petition of these petitioners in accordance with law and preferably on the same day.

These applications stand disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

