

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.185 of 2021

Arising Out of PS. Case No.-161 Year-2019 Thana- KUDHNI District- Muzaffarpur

1. HARENDRA RAY Son of Bhograj Ray Resident of Village - Sakri Saraiya Bintoliya, P.S.- Kudhni (Turki O.P.), Distt.- Muzaffarpur.
2. Surendra Ray Son of Bhograj Ray Resident of Village - Sakri Saraiya Bintoliya, P.S.- Kudhni (Turki O.P.), Distt.- Muzaffarpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Raju Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-02-2021 This is a thoroughly ill-advised application by way of second attempt on behalf of the appellants to obtain privilege of anticipatory bail.

Earlier prayer for anticipatory bail of the appellants was rejected vide order dated 12.12.2019 for the reasons quoted hereunder for ready reference:

“ Considering the facts and circumstances of the case, wherein these appellants are named in the FIR and there are specific allegations that they were among the persons who were identified by the Chaukidar and they had assaulted the police party and abused them when the police party had recovered illicit liquor from the possession of co-accused Vijay Rai and who was trying to take him after his arrest in the police vehicle, this Court is not inclined to grant privilege of anticipatory bail to these appellants.

In case the appellants surrender and pray for regular bail within a period of four weeks from today, their prayer for regular bail shall be considered by the court below without being prejudiced by the order of this Court.”

Today, in course of argument, learned counsel for



the appellants has informed this court that during pendency of the application appellant no. 1 has already been arrested, hence, this application as regards appellant no. 1 has become infructuous.

This application as regards appellant no.1 is dismissed as having become infructuous.

Learned counsel for the appellant has pressed this application on behalf of appellant no. 2 on the solitary ground that earlier he was not able to show to this court the order dated 19.09.2019 passed by a learned coordinate Bench of this Court in Cr. Misc. No. 44414 of 2019 by which three co-accused were granted privilege of anticipatory bail.

Since this Court has passed the order subsequently on 12.12.2019 and reasons are duly recorded therein for rejection of the prayer for grant of anticipatory bail, the reasons shown by learned counsel for the appellants for filing the second application is in fact in the nature of misuse of the process of the court by ill-advise.

This application stands dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

