

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.641 of 2022

Arising Out of PS. Case No.-298 Year-2020 Thana- BEUR District- Patna

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Amit Kumar Son Of Ratan Prasad Resident Of Mohalla- Jakkanpur, P.S-
Jakkanpur, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Satrudhan Kumar, Advocate

For the Opposite Party : Mr.Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-01-2022 Heard the parties.

The prayer for anticipatory bail of the petitioner was earlier rejected by this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 20716 of 2021.

The petitioner has stated in paragraph 10 of the petition which is as follows:-

“10. That this case was heard by the Hon’ble Court on 8.12.2021 and the Learned Advocate reached the Court No.37 after delay of 2-3 minutes and the Advocate’s present said that the case has been passed over and upon this Learned Advocate was on belief that the case would be heard on some other day left the Court but in the evening when the Learned Advocate received information that the case was disposed off without being heard have filed this application.”

On the basis of the above statement, the petitioner tried to argue that his prayer for anticipatory which was rejected earlier should be considered by this Court afresh. He has taken



to this Court to Annexure-3, an order dated 16.11.2021 passed by another coordinate Bench of this Court in Cr. Misc. 11021 of 2021 by which he tries to point out that similarly situated co-accused Manish Kumar has been granted anticipatory bail.

In the opinion of this Court, this application is misconceived. Once prayer for anticipatory bail was rejected by this Court on merit, the petitioner cannot argue the matter again by filing second anticipatory bail application. The same is dismissed.

The petitioner is directed to surrender in the court below within a period of six weeks from today. If the petitioner files an application for regular bail, the court below will consider same without being prejudiced by the fact that anticipatory bail petition has been rejected by this Court. The court below will also consider the fact that another similarly situated co-accused has been granted anticipatory bail.

With the aforesaid observation, the application is dismissed.

(Sandeep Kumar, J)

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