

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32843 of 2022

Arising Out of PS. Case No.-406 Year-2020 Thana- BAJPATTI District- Sitamarhi

Thaga Sah, S/o- Late Bilash Sah, R/o Village- Barri Phulwariya, P.S.-
Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

6 12-05-2023 The applicant/accused in Crime No.406 of 2020 registered with Bajpatti Police Station for the offence punishable under Sections 341, 323, 324, 307, 302 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial. His earlier bail application bearing Cr. Misc. No.20801 of 2021 was rejected by this Court on 01.12.2021 by considering his case on merit.

The only ground urged by the applicant for entertaining second bail application is bail order dated 01.11.2022 passed by the Coordinate bench of this Court in Cr. Misc. No.38792 of 2022 granting bail to Ganesh Sah - one of the co-accused.

I have perused the order granting bail to Ganesh Sah



by the Coordinate Bench of this Court. The only reasoning which can be found in the said order is to the effect that ‘in the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail...’ The Hon’ble Supreme Court in the matter of **Sunil Kumar V. The State of Bihar (Criminal Appeal No.95 of 2022)** has depreciated such practice on grant of bail by Patna High Court. This Court cannot grant parity on the basis of such type of orders. Hence, no case for grant of bail by reconsidering the matter is made out. The application is accordingly rejected.

(A. M. Badar, J)

Saurabhkrsinha/
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