
(2011) 03 PAT CK 0096

In the Patna High Court

Case No : Criminal Miscellaneous No. 4513 of 2011

Puran Thakur

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 16-03-2011

Acts Referred:

Citation : (2011) 2 PLJR 753

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Judgement

Rakesh Kumar, J.—Heard Mr. Gajendra Kumar Jha, assisted by Mr. Ajit Ranjan Kumar, learned Counsel for the Petitioner and Mr. A.M.P. Mehta, learned Additional Prosecutor.

2. This is the 3rd attempt for grant of bail in a very short span of time. For the first time on 4.3.2010, the Petitioner's prayer for bail was rejected by this Court in Cr. Misc. No. 421 of 2010. Without waiting for expiry of reasonable time, again the Petitioner approached this Court and by order dated 16.7.2010 vide Cr. Misc. No. 25285 of 2010, prayer for bail was rejected on second time.

3. Learned Counsel for the Petitioner has argued that in this case, out of 11 witnesses, six witnesses have already been examined on behalf of the prosecution and none of the witnesses have supported the prosecution case. Learned Counsel for the Petitioner submits that this is the changed circumstance for pressing the bail petition.

4. Mr. A.M.P. Mehta, learned Additional Public Prosecutor has opposed the prayer for bail. It was submitted that since the trial is going on, this Court may not extend the privilege of bail to the Petitioner.

5. Repeatedly, prayer for bail of the Petitioner has been rejected. The plea, which has been taken to show that this is the changed circumstance, is not sustainable in the eye of law. The court is of the opinion that if such plea is entertained, then

after examination of each witness, a plea can be taken that there is changed circumstance. Once the bail petition was rejected on merit, the court is of the opinion that at subsequent stage without any substantial change in the circumstances, prayer for bail may not be reconsidered. It will simply amount to review/recall of the earlier order, which is impermissible as per settled law.

6. The prayer for bail is rejected.