

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37460 of 2015

Arising Out of PS.Case No. -748 Year- 2014 Thana -ARARIA District- ARRARIA

1. Satyanarayan Paswan Son of Late Lochan Paswan
2. Meena Devi Wife of Satyanarayan Paswan
Both residents of Village - Gidaria Baijnathpur, Police Station &
District Araria.

.... Petitioner/s

Versus

The State of Bihar.

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Ram Chandra Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 15-09-2015

Heard learned counsels for the petitioners
and the State.

The petitioners being the parents of the
husband of the victim are apprehending their arrest in a case
registered for the offences punishable under Sections 304B/34 of
the Indian Penal Code.

The accusation is of killing the daughter of
the informant after six years of the marriage for non-fulfillment
of the dowry demand.



It is submitted by learned counsel for the petitioners that the petitioners were granted anticipatory bail by the learned court below till conclusion of the investigation/ submission of final form. The final form was submitted and petitioners have been charge-sheeted under Sections 304B/34 of the IPC then the petitioners renewed their prayer for anticipatory bail before the learned Sessions Judge which has been held to be not maintainable.

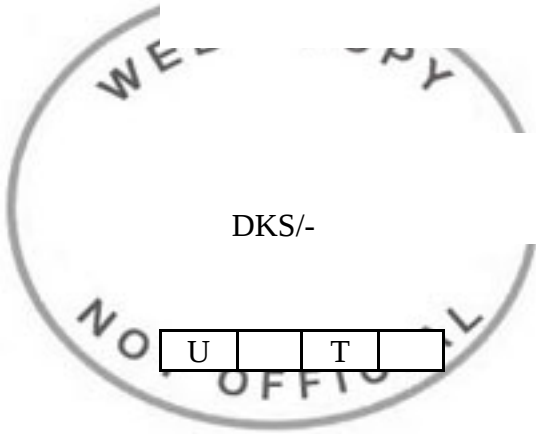
In view of this Court, the application for anticipatory bail was neither maintainable before the Sessions Judge nor is maintainable before this Court in view of the ratio laid down in the case of Bishundeo Sahu Vs. State of Bihar, reported in 2011(1) PLJR, 731.

Accordingly, this application is disposed of.

Let the learned court below consider the prayer for regular bail of the petitioners, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Araria P.S. Case No. 748 of 2014 pending in the court of learned Chief Judicial Magistrate, Araria.

However, it is made clear that in such a

circumstance the regular bail can only be denied in case of misuse
of earlier bail.



(Dinesh Kumar Singh, J)