

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23826 of 2015

Arising Out of PS.Case No. -248 Year- 2009 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

=====

1. Mina Devi Wife of Ram Chandra Ram
2. Ram Chandra Ram Son of Late Tasu Ram Both are Resident of village -
Bazar Tand, Bisujhapa, P.S. Bachara, District - Chatara (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Lal Jee Ram Son of Ram Kumar Ram Resident of village - Pandey
Pipara, Post - Shukal Pipara, P.S. Mohania, District - Kaimur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. R.S.Choudhary (App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 25-06-2015 Heard learned counsels for the petitioners and the State.

The petitioners have renewed their prayer for anticipatory bail in connection with a complaint case in which process has been directed to be issued after cognizance being taken for the offences under sections 406,420 and 504 of the Indian Penal Code.

The prayer for anticipatory bail of the petitioners was initially rejected by the learned Sessions Judge on 16th January, 2013 vide ABP No. 763A of 2012 but the petitioners preferred earlier application on 3rd February, 2014 hence a coordinate bench (since retired) of the court rejected the prayer for anticipatory bail vide Cr. Misc. No. 5551 of 2014 on the ground of delay only.

The prayer for anticipatory bail has been renewed on

the ground that earlier anticipatory bail application was not decided on merits whereas co accused Shravan Ram and Bimla Devi have been granted anticipatory bail vide Cr. Misc. No. 19874 of 2013.

The prosecution case is that co accused Shravan Ram took rupees fifty thousand cash to hand over the same to the owner of a land and also took cheque of Rs.2,96,740/- from the complainant. Co accused Shravan Ram and Bimla Devi were granted anticipatory bail on the ground that there was no proof with regard to the payment of rupees fifty thousand whereas the cheque of Rs.2,96,740/- was deposited in the account of the complainant on 7.1.2007 itself.

Hence, it is submitted by learned counsel for the petitioners that the thrust of accusation is against co accused Shravan Ram and not against the petitioners.

Considering the fact that once prayer for anticipatory bail was rejected by a coordinate bench on a technical ground, this court is not inclined to entertain the present application but since the main accused Shravan Ram has been granted anticipatory bail, this court finds no reason for the learned court below not to consider the prayer for regular bail of the petitioners in case the petitioners surrender within six weeks from today in connection with Complaint Case

No. 248 of 2009 pending in the court of learned J.M. Ist Class,
Kaimur, Bhabua.

This application is disposed of with the aforesaid
observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--