

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50251 of 2016

Arising Out of PS.Case No. -419 Year- 2014 Thana -BARHARIA District- SIWAN

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Chameli Devi W/o Banshi Mahto resident of Village- Sawana, P.S.-
Barharia, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 23-11-2016

This application under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in connection with Barharia P. S. Case No. 419 of 2014 registered under Sections 304-B/34 of the Indian Penal Code and 3 / 4 of Dowry Prohibition Act.

A similar prayer made on behalf of the petitioner was earlier rejected by this Court vide order dated 03.09.2015 passed in Cr. Misc. No. 16052 of 2015. It is evident that despite rejection of application for grant of pre-arrest bail fourteen months ago, the petitioner has not appeared before this Court and second application for grant of pre-arrest bail has been filed on the ground that arrested accused of the case were put on trial

and the witnesses examined have not supported the prosecution case.

In my view, the evidence recorded in a case in which the petitioner is not facing trial cannot form a basis for grant of pre-arrest bail to the petitioner who is evading her arrest. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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