

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35664 of 2016

Arising out of PS.Case No. -99 Year- 2014 Thana -SIKTI District- ARRARIA

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1. Ramanand Yadav, son of late Nasiblal Yadav
 2. Gautam Kumar Yadav @ Gautam Yadav, son of Ramanand Yadav
 3. Mina Devi, wife of Ramanand Yadav
- All residents of village - Thengapur, Pipra, P.S. Sikti, District - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Baleshwar Kamat, Advocate.

For the State : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-09-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The prayer for grant of pre-arrest bail of the petitioners was refused by the order dated 26.8.2015 passed by this Court in Cr. Misc. No. 9744 of 2015 in connection with Sikti (Bardaha) P.S. Case No. 99 of 2014 registered under Sections 304(B), 201 and 120(B) of the Indian Penal Code.

It is contended by the learned counsel for the petitioners that the petitioners being in-laws of the deceased were not concerned in any manner with the alleged offence. The son of the petitioner No. 1, who is husband of the deceased was in jail and during his trial, the informant Mahendra Prasad Vishwas has



been examined as PW-5. He has stated that the son of the petitioner No. 1 had informed him that his daughter had become traceless and no dowry was demanded from him. He has also stated that the relationship between the deceased daughter with her husband and in-laws was very cordial and his daughter died as she was accidentally drowned in the Pond. He has not alleged any foul play in the death of his daughter. It is also contended that other witnesses examined during trial have also reiterated the same thing. It is submitted that these grounds were not available to the petitioners on the earlier occasion when the application for grant of pre-arrest bail of the petitioners was being considered.

On the other hand, learned counsel for the State has submitted that the new grounds taken by the petitioner would be of no avail to the petitioners, simply for the reason that they have yet not appeared before the court and the evidence recorded in the trial of some other co-accused cannot be taken into consideration for grant of bail to the absconding accused.

I have heard the parties and perused the record. The grounds taken by the petitioners may be a good ground for grant of bail, however, the same cannot be made a ground for grant of pre-arrest bail, specially when similar application filed by them earlier was rejected by this Court.

In that view of the matter, I see no reason to take a different view of the matter. Accordingly, the application is dismissed.

In case, the petitioners surrender before the court and seek bail, the same shall be considered taking into consideration all the materials available on merits without being prejudiced in any manner by this order or the previous order passed by this Court whereby the prayer for grant of pre-arrest bail of the petitioners was rejected.

(Ashwani Kumar Singh, J)

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