

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 24271 of 2017

Arising Out of PS.Case No. -246 Year- 2012 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Arjun Kumar son of Ram Laulin Mahto
2. Ram Laulin Mahto son of Late Ram Bhajan Mahto
3. Munni Kumari @ Munni Devi wife of Arjun Kumar
All residents of village - Rashidpur, Rachiya, Police Station -
Bachchwara, District - Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abdul Manan,
Mr. Md. Najmul Hodda
For the Opposite Party/s : Mr. Nityanand
Mr. Kundan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 05-07-2017 Heard Mr. Abdul Mannan, learned counsel assisted by
Mr. Md. Najmul Hodda, learned counsel for petitioners, learned
Addl. Public Prosecutor and Sri Kundan Kumar, learned counsel,
who has appeared on behalf of informant.

This is the second attempt for grant of anticipatory
bail. Earlier, the prayer for anticipatory bail of petitioners was
rejected on 02-08-2014, vide Cr. Misc. No. 22415 of 2014.

Learned counsel for petitioners submits that since
earlier anticipatory bail petition was rejected during pendency of
the investigation and now, police after investigation submitted
final report, however; the learned Magistrate took cognizance,



differing with the police report, accordingly, fresh cause of action arose for filing petition for grant of anticipatory bail. He submits that petitioners were falsely implicated and as such, complaint case was filed, which was referred to the police and only thereafter, an F.I.R. was lodged, vide Dalsingsarai P.S. Case No. 246 of 2012 for offence under Sections 302, 201/34 of the Indian Penal Code. It has been argued that it was completely false accusation and as such, petitioners deserve to be released on bail, whereas, learned Addl. Public Prosecutor as well as learned counsel for the informant have opposed the prayer for bail.

Sri Kundan Kumar, learned counsel for the informant submits that petitioner no. 1 was married in the year 2001 with the daughter of the informant and during her life-time, petitioner no. 1 solemnised marriage with petitioner no. 3 and subsequently, conspiring with each other, they killed the daughter of the informant and disposed of the dead-body. Thereafter, when the informant visited there, he tried to lodge a case, but it was not entertained. Since, F.I.R. was not lodged, the informant filed a complaint case, which was numbered as Complaint Case No. 48 of 2011. The learned Magistrate had passed order in the year 2011 itself for registering and investigating the case under Section 156 (3) of the Cr.P.C., however; the police, after about one year from



the order of the Magistrate, registered F.I.R. on 01-09-2012. He further submits that it appears that petitioners are very influential and this is the reason that F.I.R. was lodged much belatedly in the year 2012 and though, prayer for anticipatory bail of petitioners was rejected in the year 2014, finally, police exonerated them. He submits that on the record, there is sufficient material and as such, the learned Magistrate, differing with the police report, has taken cognizance of the offence. He further submits that petitioners, against the order of the cognizance, had approached this Court by filing a quashing application i.e. Cr. Misc. No. 32180 of 2016 and this Court, by order date 17-04-2017, did not interfere with the order of cognizance.

However, considering the fact that once the prayer for anticipatory bail was rejected by this Court as well as the nature of accusation, there is no reason to entertain the second anticipatory bail petition.

Dismissed.

(Rakesh Kumar, J.)

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