

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16813 of 2019

Arising Out of PS. Case No.-486 Year-2016 Thana- GAYA MUFASIL District- Gaya

1. Indradeo Chaudhary And Ors Baijnath Chaudhary R/o village- Tarma Meyari , P.S- Fatehpur
2. Lal Chaudhary Bindeshwar Chaudhary R/o village- Mardi Mahuat , P.S- Wazirganj
3. Laljit Chaudhary @ Lalji Chaudhary Late Jani Pasi R/o village- Malathia, P.S- Wazirganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioners and learned counsel for the State.

This application under Section 438 of the Code of Criminal Procedure has been filed by the petitioner for grant of pre-arrest bail in connection with Gaya Mufassil P.S. Case No. 486 of 2016 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for grant of pre-arrest bail of the petitioners was earlier rejected by this Court vide order dated 27.04.2018 passed in Cr. Misc. No. 22328 of 2018. The operative part of the aforesaid order dated 27.04.2018 reads as under:-



“Considering the direct and specific allegation made in the first information report that the petitioners opened fire causing instantaneous death of the husband of the informant, I am not inclined to grant them pre-arrest bail. The application is rejected.”

Learned counsel for the petitioners submitted that though there is allegation of firing against the petitioners, the same is not true. As far as the petitioner no. 3 is concerned, it has been pleaded that he is a retired teacher and his name has been given in the FIR out of pre-existing enmity between the parties.

Be that as it may, there is no fresh ground for grant of pre-arrest bail to the petitioners. Their application was earlier rejected on merits. The plea of innocence of the petitioners can be appreciated by the court at appropriate stage. However, looking at the gravity of the offence and the allegations made in the FIR against the petitioners, I see no reason to take a different view of the matter.

The application is rejected once again.

(Ashwani Kumar Singh, J)

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