

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15544 of 2019

Arising Out of PS. Case No.-352 Year-2018 Thana- KHAGARIA District- Khagaria

1. Upendra Sada And Ors Son of Parsadi Sada Resident of Village - Dahariya, P.S.- Gangaur, Distt.- Khagaria.
2. Hare Ram Sada Son of Ghuran Sada Resident of Village - Dahariya, P.S.- Gangaur, Distt.- Khagaria.
3. Jay Jay Ram Sada Son of Ghuran Sada Resident of Village - Dahariya, P.S.- Gangaur, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Jha
For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-04-2019 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 Khagaria (Gangapur) P.S. Case No. 352 of 2018 registered under Sections 341, 323, 307, 447, 504, 506, 427/34 of the Indian Penal Code and Section 27 of the Arms Act.

Considering the gravity of the offence and the specific allegations made against the petitioners, vide order dated 06.10.2018 passed in Cr. Misc. No. 56877 of 2018, while



granting bail to seven other co-accused persons, the prayer for grant of pre-arrest bail of the petitioners was rejected by this Court.

Learned counsel for the petitioners submitted that on merits the petitioners also deserve to be granted pre-arrest bail. On specific query made by the Court, learned counsel for the petitioners conceded that there is no fresh ground or material on the basis of which the application for grant of pre-arrest bail may be reconsidered.

The law relating to second application for grant of pre-arrest bail is well settled. Such an application is not barred. However, the same would be maintainable only if there is some fresh material or new ground. In the instant case, admittedly there is no fresh ground for re-consideration of the prayer of the petitioner for grant of pre-arrest bail.

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

(Ashwani Kumar Singh, J)

pradeep/sneha

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