

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27790 of 2019

Arising Out of PS. Case No.-61 Year-2018 Thana- SHAMBHUGANJ District- Banka

Mira Devi W/o Sri Bijay Jha, Resident of Village- Bari Khajuri, P.S.-
Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Tiwary, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-07-2019 This application has been filed by the petitioner for grant of pre-arrest bail in connection with Shambhuganj P.S.Case No.61 of 2018 dated 05.04.2018 initially registered inter alia under Section 307 of the Indian Penal Code but later on section 302 of the Indian Penal Code was also added in the FIR.

Mr. Y.C.Verma, learned senior counsel appearing for the petitioner, submitted that two of the co-accused namely, Bijay Jha and Kanhaiya Kumar have been granted bail by a Bench of this Court vide order dated 30.10.2018 passed in Cr. Misc. No.43260 of 2018 and other two co-accused, namely, Ramsati Devi and Bandana Devi have been granted pre-arrest bail vide order dated 08.04.2019 passed in Cr. Misc. No.59777 of 2018 by a Bench of this Court.



On the other hand, learned counsel for the State submitted that co-accused Bijay Jha and Kanhaiya Kumar were taken into custody and were granted regular bail. He has further contended that when the case of Ramsati Devi and Bandana Devi was being considered, learned counsel appearing for Ramsati Devi and Bandana Devi did not disclose that prayer of this petitioner, namely, Mira Devi for grant of pre-arrest bail was already rejected by this Court on 28.09.2018 vide Cr. Misc. No.57586 of 2018. He has further contended that two other accused, namely, Nishikant Jha and Ajit Jha @ Ajit Kumar Jha had moved for grant of pre-arrest bail before this Court vide Cr. Misc. No.72503 of 2018 and the same was also rejected by another Bench of this Court vide order dated 19.11.2018. He contended that since no further material transpired in course of investigation in favour of the petitioner and the application for grant of pre-arrest bail of the petitioner was rejected by this Court on merit, there is no reason for taking a different view of the matter.

I have heard learned counsel for the parties.

I find substance in the submission of the learned counsel for the State.

While application for grant of pre-arrest bail of



Ramsati Devi and Bandana Devi was considered by a Bench of this Court neither the petitioner nor the State brought it to the notice of the Court that the application for grant of pre-arrest bail of Mira Devi was rejected much before on 28.09.2018 vide Cr. Misc. No.57586 of 2018. Neither of them brought to the notice of the Court that application for grant of pre-arrest bail of two other co-accused namely, Nishikant Jha and Ajit Jha @ Ajit Kumar Jha was also rejected vide order dated 19.11.2018 passed in Cr. Misc. No.72503 of 2018 by a Bench of this Court. It is under this circumstance, the anticipatory bail of Ramsati Devi and Bandana Devi was obtained.

Having regard to the facts and circumstances of the case, I see no reason to take a different view of the matter. The application is dismissed.

In case the petitioner surrenders and prays for bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md. S/-

U		T	
---	--	---	--

