

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52516 of 2017

Arising Out of PS. Case No.-160 Year-2005 Thana- BANIAPUR District- Saran

1. Binod Rai
2. Pramod Rai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 16-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have renewed the prayer for anticipatory bail in connection with a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

It is alleged that the son of the informant went to his in-laws house when he was being killed by the in-laws family members for certain dispute. Subsequently, suspicion was raised against these petitioners being brother-in-law of the victim.

The prayer for anticipatory bail of the petitioners has been renewed on the ground that father-in-law of the victim,



namely, Janakdeo Rai, has been acquitted vide judgement dated 21.09.2015, passed in Sessions Trial No. 161 of 2007/ G.R. No. 1464 of 2014 by the learned Additional District and Sessions Judge, V, Saran at Chapra and co-accused, Kamlawati Devi @ Kalawati Devi and Gita Devi, being mother-in-law and wife of the victim have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.05.2016, passed in Criminal Miscellaneous No.17309 of 2016.

Considering the fact that earlier prayer for bail of the petitioners was rejected on 28.06.2012 and the present application has been registered on 02.11.2017 more than five years after rejection of the earlier prayer, this Court is not inclined to revise the earlier order.

However, keeping in view of the fact that co-accused, Janakdeo Rai, being father-in-law of the victim has been acquitted after facing trial by the learned Court below and co-accused, Kamlawati Devi @ Kalawati Devi and Gita Devi, being mother-in-law and wife of the victim have been granted anticipatory bail by a co-ordinate Bench of this Court, let the learned Court below consider the prayer for regular bail of the petitioners, if they surrender before the learned Court below within a period of six weeks in connection with Baniyapur P.S.



Case No. 160 of 2005, pending before the learned CJM, Saran.

Accordingly, the present application stands disposed
of.

(Dinesh Kumar Singh, J)

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