

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26618 of 2021**

Arising Out of PS. Case No.-203 Year-2019 Thana- GURUA District- Gaya

Naushad Sah Son of Sarfraz Sah @ Sanfaraj Shah Resident of Village -
Manda, P.S.- Gurua, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Miss. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 09-12-2021 Heard the learned counsel appearing for the

applicant/husband in Crime No. 203 of 2019 registered with

Gurua Police Station for the offences punishable under sections

304(B) read with Section 34 of the Indian Penal Code.

The learned counsel for the applicant submits that co-
accused against whom similar evidence is there are already
released on bail. He placed reliance on orders dated 20.1.2021
and 2.2.2021 passed by the coordinate benches of this Court
releasing Aquila Khatoon and Sarfraz Sah on bail.

In my opinion, this cannot be a case for grant of bail
because on earlier occasion, the applicant had preferred similar
such application after filing of the charge-sheet and that
application bearing no. 2908 of 2020 came to be rejected on
18.6.2020, on merit by my learned predecessor. When the



application for bail after filing of charge-sheet was rejected on merit by my learned predecessor then unless and until changes in circumstances are shown, successive bail application cannot be entertained. So far as co-accused who are released on bail are concerned, in their cases liberty was granted to them by my learned predecessor to move for bail after certain period and that is how those co-accused, on the basis of liberty granted by my learned predecessor, were released on bail. No such liberty was granted to this applicant and his previous application was rejected on merit by my learned predecessor.

Hence, there is no alternative but to reject the instant application because there is nothing in respect of change in circumstances. However, the learned trial court is requested to take up the trial and finish it as far as possible within a period of six months from today.

(A. M. Badar, J)

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