

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 36808 of 2021

Arising Out of PS. Case No.-267 Year-2019 Thana- ITARHI District- Buxar

MAHENDRA PRASAD GUPTA S/O HEMA SAH R/O VILLAGE DILIYA
TOLA, P.S-DINARA, DISTRICT-ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chand Verma, Sr. Adv.
For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 18-08-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Nagendra Prasad, the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection Itarhi PS case no. 267 of 2019 under Sections 302, 201/34 of Indian Penal Code and 27 of Arms Act, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court vide order dated 18.12.2020, passed in Cr. Misc. no. 28874 of



2020.

The case of the prosecution in brief is that on 03.12.2019 at about 7.30 am in the morning, the informant who was then posted as ASI at Itarhi Police Station, received information over telephone that a dead body of a half burnt girl is lying near Jawahari temple at village Kukudha, whereafter the informant had registered sanha and had then left for the said place of occurrence along with the police force and upon reaching there, the informant found a burnt dead body of a female. It has also been stated that there was blood on the head and it appeared that gun shots have been fired on the head.

The learned Senior counsel for the petitioner Sri Yogesh Chandra Verma, has submitted that the petitioner is languishing in custody since 11.12.2019 and the charges have not yet been framed. It is further submitted that during the interregnum period, a co-accused namely Sharmila Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 09.07.2020, passed in Cr. Misc. no. 13171 of 2020.

Per contra, the learned A.P.P. for the State Mr. Nagendra Prasad has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone



through the materials available on record. This Court finds that the petitioner is having complicity in the alleged crime of killing of his daughter, as has been recorded in the earlier order dated 18.12.2020 and moreover, there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of bail. As far as the order dated 09.07.2020, passed in Cr. Misc. no. 13171 of 2020 is concerned, the petitioner of that case, being a lady, has been granted benefit of doubt and it has been recorded in the said order that the allegation of killing is against the husband and son of the petitioner and the petitioner herein happens to be one of them. In such view of the matter, I do not find any merit in the present petition, accordingly the same stands dismissed.

(Mohit Kumar Shah, J)

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