

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57033 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- KHIRI MORE District- Patna

1. RAM PRAVESH RAM Son of Late Rikki Mochi Resident of Village - Sidhipur, P.S. - Khiri More, District - Patna.
2. Nanda Devi Wife of Ram Pravesh Ram Resident of Village - Sidhipur, P.S. - Khiri More, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-04-2022 Heard the learned counsel for the petitioners and
the learned APP appearing for the State.

The present petition is by way of second attempt at the behest of the petitioners for grant of regular bail in connection with Khiri More PS case no. 01 of 2020, registered under Sections 302, 304B, 120B/34 of Indian Penal Code, inasmuch as the earlier prayer of the petitioners for grant of bail was rejected vide order dated 03.03.2021, passed in Cr. Misc. no. 35844 of 2020.

The allegation is regarding the accused persons including the petitioners herein having killed the deceased victim lady on account of non-fulfilment of the demand for dowry.

The learned counsel for the petitioners has submitted



that the petitioners are innocent and they had not engaged in commission of any untoward incident. The learned counsel for the petitioners has further submitted that the petitioners are languishing in custody since 20.07.2020. The learned counsel for the petitioners has also referred to an order dated 10.02.2022, passed by a co-ordinate Bench of this Court in Cr. Misc. no. 45734 of 2021, to contend that the husband of the deceased victim lady has already been granted the privilege of anticipatory bail, hence the petitioners are entitled to be granted bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that on the last occasion, this Court had gone through the entire records including the case diary and thereafter, being satisfied that the petitioners are having complicity in the alleged occurrence, had rejected their prayer for grant of bail vide order dated 03.03.2021, passed in Cr. Misc. no. 35844 of 2020. As far as the order dated 10.02.2022, passed in Cr. Misc. no. 45734 of 2021 is concerned, it has been submitted that it is apparent from a bare perusal of the same that a plea was taken before the said Hon'ble Bench that the petitioner is working in C.I.S.F. and on the alleged date of occurrence, he was posted in Kerala, implying thereby that it is not the petitioner but the other accused persons, who are responsible for the killing of the deceased victim lady and not the



husband, who was not present at the place of occurrence. Thus, the case referred to hereinabove by the learned counsel for the petitioner is clearly distinguishable from the facts and circumstances of this case.

Having regard to the facts and circumstances of the case and considering the fact that there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioners for grant of bail apart from the fact that the petitioners are having complicity in the occurrence pertaining to killing of the deceased victim lady, I do not find any merit in the present petition, hence the same stands dismissed.

At this juncture, being agitated by the dismissal of the present petition, the learned counsel for the petitioners in an intimidating manner has stated that some other co-accused persons have been granted bail vide order dated 08.04.2021, passed by a co-ordinate Bench of this Court in Cr. Misc. no. 16133 of 2021, hence why the petitioners are being denied bail. It would suffice to state that the case of the said co-accused persons, who have been granted bail vide order dated 08.04.2021 is first of all clearly distinguishable and secondly, it appears that the earlier order dated 03.03.2021, passed by this Court, rejecting the prayer of the petitioners for grant of bail, was suppressed and not brought to the notice of the learned co-ordinate Bench which



had passed an order dated 08.04.2021 granting bail to other co-accused persons. This Court would thus only deprecate the conduct of the learned counsel for the petitioners and refrain from making any further observation.

(Mohit Kumar Shah, J)

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