

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11510 of 2022

Arising Out of PS. Case No.-316 Year-2016 Thana- GORAUL District- Vaishali

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Salta Kumari, Female, aged about 47 years, Wife of Sankar Jai Kishan,
Resident of Village - Makshudpur, P.s.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the State : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-01-2023

Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Bal Mukund Prasad Sinha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner apprehends arrest in connection with Goraul P.S. Case No. 316 of 2016 dated 22.12.2016 instituted under Sections 465, 467, 468, 471 and 409/34 of the Indian Penal Code.



3. This is the second attempt for seeking pre-arrest bail as earlier such prayer was rejected by order dated 30.07.2021 passed in Cr. Misc. No. 3253 of 2021.

4. Learned counsel for the petitioner, at the very outset submitted that the basis for filing the present application is that subsequently in similar circumstances and on similar allegations, one Swati Kumari had been granted the privilege of pre-arrest bail by order dated 10.12.2021 passed in Cr. Misc. No. 3073 of 2021.

5. Learned APP submitted that the order rejecting the prayer of the petitioner was passed much earlier and the same was not produced before the co-ordinate Bench. Moreover, it was submitted that there has been no change of circumstances except for another person being granted the privilege of pre-arrest bail.

6. Having considered the submissions of learned counsel for the parties and taking note of the fact that this Court has taken a view and given reasons for non grant of pre-arrest bail and the only ground taken is such relief being given by a co-ordinate Bench, does not persuade the Court to change its views, as has been recorded in the earlier order, especially when there is no change in material circumstances.

7. For reasons aforesaid, the present application stands dismissed.



8. However, on prayer made by learned counsel for the petitioner, it is observed that if the petitioner surrenders before the Court and seeks bail, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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P.Kumar/-

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