

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54913 of 2024

Arising Out of PS. Case No.-127 Year-2022 Thana- NIRMALI District- Supaul

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1. Karan Kumar SON OF VINOD KUMAR YADAV VILLAGE-SANANPATTI, PS- NARHIYA OP- DIST- MADHUBANI
 2. KHUSHVENDRA KUMAR SON OF VINOD KUMAR YADAV VILLAGE- SANANPATTI, PS- NARHIYA OP- DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 13-09-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Nirmali Police Station Case No. 127 of 2022, dated 20.06.2022, disclosing offences under Sections 302/201 of the Indian Penal Code.
3. This is the second attempt for grant of anticipatory bail application on behalf of the petitioners. Earlier, the prayer for bail was rejected by this Court in Cr. Misc. No. 53317 of 2023 vide order, dated 21.12.2023.
4. The prosecution case, as per the First Information Report, is that on 19.06.2022, at about 08:00 PM, a dead body of a person was found by the chowkidar near Tilyuga river



under Nirmali Police Station. During the course of enquiry it has come to light that the deceased was working as a dancer in an orchestra run by the petitioners' father. It has also come to light that there was some money dispute between the petitioners' father and the deceased.

5. Learned counsel for the petitioners, while pressing bail for the 2nd time, submits that some materials were not placed at the time of argument during the first anticipatory bail application. He further submits that the co-accused has been acquitted during course of trial having similar allegation.
6. Having regard to the submissions made on behalf of the parties and taking into consideration that at the first instance the anticipatory bail application of the petitioner was rejected on its own merit. Acquittal of co-accused during course of trial cannot be said to be subsequent event for consideration of second anticipatory bail application. The petitioner wants to reargue the matter on merit which is not permissible, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.



7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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