

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78823 of 2024

Arising Out of PS. Case No.-327 Year-2014 Thana- CHAPRA TOWN District- Saran

Tinku Sao @ Tinku Sah @ Tinku Kumar Sah @ Tinku Prasad S/O Paras Sao
R/O Kathari Bagh, Near Mahavir Mandir, P.S- Nagar Chapra, Distt.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Gupta W/O Baijnath Prasad R/O Vikash Nagar, Kothiya Kurji, Road No. 4, P.S- Digha, Distt.- Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 79421 of 2024

Arising Out of PS. Case No.-327 Year-2014 Thana- CHAPRA TOWN District- Saran

Manoj Kumar Gupta @ Manoj Kumar S/O Paras Sao R/O Kathari Bagh ,
Near Mahavir Mandir ,P.S- Nagar Chapra District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Gupta Wife of Baijnath Prasad Resident of Vikash Nagar, Kothiya Kurji, Road No. 4, P.S.- Digha, District- Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78823 of 2024)

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 79421 of 2024)

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-12-2024 1. Since both these anticipatory bail applications arise out of

Chapra Town Police Station Case No. 327 of 2014, with

the consent of the parties, both these anticipatory bail

applications are herd together.



2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
3. These applications, for grant of anticipatory bail, arises out of Chapra Town Police Station Case No. 327 of 2014 dated 31.10.2023 registered under Sections 304-B/34 of the Indian Penal Code.
4. The prosecution case, as per the First Information Report, is that the petitioners, along with other co-accused persons, killed the daughter of the informant by burning her, due to non-fulfillment of the demand of dowry.
5. This is the second attempt on behalf of the petitioners for grant of anticipatory bail. Earlier, the anticipatory bail application of the petitioner Tinku Sao was allowed by this Court vide order, dated 29.09.2015, passed in Criminal Misc. No. 39630 of 2015, but the petitioner Tinku Sao neither surrendered before the learned Court below nor filed restoration application for modification of the order, dated 29.09.2015, and after about more than nine years, he has again filed the present anticipatory bail application. The first anticipatory bail application of the petitioner Manoj Kumar Gupta was rejected by this Court, vide order, dated 01.02.2016, passed in Criminal



Misc. No. 39677 of 2015 and after rejection of his anticipatory bail application, the petitioner did not surrender before the learned Court below and he, also, after about eight years of the rejection of the anticipatory bail application, has again filed the present anticipatory bail application.

6. The petitioners have moved these applications for anticipatory bail for the second time having no fresh ground.
7. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the ground raised by the petitioners for maintaining these second anticipatory bail applications was available to them at the time of grant/rejection of their first anticipatory bail applications, as such, these anticipatory bail applications are not maintainable.
8. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that at the first instance the anticipatory bail application of the petitioners were granted/rejected, there is no fresh ground for filing these second anticipatory bail applications and that too about more than eight years of grant/rejection of



their first anticipatory bail applications, these second anticipatory bail applications are not maintainable.

9. These applications are, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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