

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10175 of 2015

Arising Out of PS.Case No. -411 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Sonma Devi Wife of Late Rajdeo Mahto (Mother in Law)
2. Mukesh Prasad Son of Rajdeo Mahto (Bhaisur)
3. Rajdeo Mahto son of Late Ramnandan Mahto (Father in Law) All are
resident of village - Utrain, Police Station - Coach, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudha Kumari wife of Rakesh Prasad, daughter of Suresh Prasad Both
are resident of village - Utrain, Police Station - Coach, District - Gaya

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Binod Kumar (App)
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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 13-03-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Complaint Case No. 411 of 2014 registered for the offences
punishable under Sections 498A and 379 of the Indian Penal
Code.

From perusal of the impugned order dated 19.12.2014
passed by the learned Sessions Judge, it would appear that the
Sessions Judge directed the petitioner in very clear terms to
surrender before the court below and pray for regular bail and
furthermore, the learned Sessions Judge directed the court below

to accept their prayer for bail and allow the petitioner to avail the privilege of bail after taking bonds with or without sureties as envisaged in section 88 of the Cr.P.C. Therefore, in my view, when the learned Session Judge has already directed the trial court to allow the petitioners to avail the privilege of bail, there is no apprehension of arrest to the petitioners and this anticipatory bail petition is not maintainable. Accordingly, this anticipatory bail petition stands dismissed being not maintainable.

However, petitioners must surrender before the court of Sub-Divisional Judicial Magistrate, Sherghati, Gaya/ concerned court in connection with Complaint Case no. 411 of 2014 and seek regular bail in the light of order dated 19.12.2014 passed by the learned Session Judge in ABP No.2505 of 2014 and, if, petitioners do so the concerned court shall pass appropriate order, keeping in mind observations given by the learned Sessions Judge, Gaya in the above stated A.B.P.No. 2505 of 2014 without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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