

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29945 of 2015

Arising Out of PS.Case No. -150 Year- 2014 Thana -TRIVENIGANJ District- SUPAUL

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1. Md. Aiyub Son of Md. Nasir,
 2. Md. Nasir, Son of Late Sital Miyan,
 3. Md. Hadish Son of Late Sital Miyan,
 4. Md.Mustaque Son of Md. Manuruddin, null
 5. Md. Haroon, Son of Md. Manuruddin,
 6. Md. Mashruddin, Son of Md. Hadish,
 7. Md. Tahir Son of Md. Nasir,
 8. Md. Ilias Son of Md. Madis, All are resident of village - Badhala, Police Station - Triveniganj, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Adv.
For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 504, 448, 307 and 379 of the Indian Penal Code.

The prosecution case is that on protest being made for harvesting jute crop, the accused persons assaulted the informant and his family members and took away the house hold articles.

It is submitted by learned counsel for the petitioners that initially the petitioners were granted bail by learned court below but subsequently on submission of final form, cognizance was taken under Section 307 of the IPC then the petitioners moved for

grant of anticipatory bail.

Since the petitioners surrendered and executed bail bonds, hence they are in the deemed custody of the court, hence anticipatory bail application of the petitioners is not maintainable. Moreover, since the petitioners were earlier granted bail and there is nothing on record to suggest that earlier bail bonds of the petitioners have been cancelled or warrant of arrest has been issued, in view of this Court, petitioners are not required to take fresh anticipatory bail till bail bonds are cancelled but if their bail bonds have been cancelled and warrant has been issued against them, learned court below will consider the prayer for regular bail of the petitioners keeping in view of the fact that they were earlier granted bail on merits. In such situation the prayer for bail can be rejected only in case of misuse of privilege of earlier bail. It is further made clear that the Court always grant bail to an accused in a case and not to the extent of a particular section of IPC or any penal Act.

With the above observation, the present application is disposed of in connection with Triveniganj P.S. Case No. 150 of 2014 pending in the court of learned CJM, Supaul.

(Dinesh Kumar Singh, J)

Amrendra/-

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