

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49108 of 2015

Arising Out of PS.Case No. -149 Year- 2014 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Parwati Devi wife of Late Umesh Kumar Jha.
 2. Manju Devi wife of Harikant Mishra @ Mungadi Mishra
 3. Lalit Kumar Mishra son of Harikant Mishra @ Mungadi Mishra.
 4. Rupesh Kumar Mishra son of Lalan Mishra.
 5. Manish Kumar Mishra son of Harikant Mishra @ Mungadi Mishra.
 6. Sanjay Kumar Jha son of Chandrakishore Jha @ Babu Saheb Jha.
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Indra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-10-2015

Heard learned counsels for the petitioners and the State.

The petitioners being the mother, uncle, aunt and cousin of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A, 406 and 506/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that earlier the petitioners were granted anticipatory bail by learned Sessions Judge, West Champaran, Bettiah vide order dated 18.09.2014 passed in A.B.P. No. 652 of 2014, as contained in Annxure-3, till the submission of final form. Now the final form has been submitted and the petitioners have been chargesheeted.

In view of this Court, the present anticipatory bail application is not maintainable in view of the ratio laid down in the case of **Bishundeo Sahu Vs. State of Bihar, reported in 2011(1) PLJR, 731** since the petitioners have already executed bail bonds hence they are in deemed custody of the court .

Let the learned court below consider the prayer for regular bail of the petitioners if they surrenders within a period of six weeks keeping in view of ratio as laid down in the case of **Mahendra Prasad Singh Vs. State of Bihar, reported in 2004(3) PLJR, 491**, in connection with Bettiah (Muffasil) Banuchhapar P.S. Case No. 149 of 2014 pending in the court of learned CJM, West Champaran, Bettiah.

However, it is made clear that in such a circumstance, regular bail can be denied only in case of misuse of privilege of earlier bail.

With the above observation, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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