

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39738 of 2014

Arising Out of PS.Case No. -43 Year- 2013 Thana -JADIA District- SUPAUL

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1. Tanuk Mukhiya Son of Late Mater Mukhiya
2. Satrhan Mukhiya @ Shatrughan Mukhiya, Son of Tanuk Mukhiya
Both are R/O/V-Gurriya, P.S.-Jadia, District-Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Mr. Bharat Bhushan (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 10-04-2015 The petitioners figured as accused in Jadia P.S.

Case No.43 of 2013 where offences punishable under Sections
323,341,324,325, 379, 504 read with 34 of the Indian Penal
Code were alleged.

The petitioners are said to have surrendered before
the court below and regular bail was granted on 0.3.05.2013.
Thereafter, provision of law in the F.I.R was changed to Section
307 of the Indian Penal Code. Apprehending their arrest, once
again the petitioners filed ABA No.198 of 2014 (S) before the
Sessions Judge, Saharsa, Camp Supaul. The same was rejected
on 12.08.2014. Hence, this application for grant of anticipatory
bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners have already bound themselves in the case duly surrendering. Mere fact that the provision of law has changed and another offence punishable under Section 307 of the Indian Penal Code was added, does not warrant their arrest once again.

Hence, this application is allowed. In the event of arrest, the petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Supaul in connection with Jadia P.S. Case No.43 of 2013.

(L. Narasimha Reddy, CJ)

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