

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54167 of 2015

Arising Out of PS.Case No. -59 Year- 2010 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Nand Kishore Mahto, S/o Bhukhal Mahto @ Bhukhat Mahto, Residence
of Village- Panditpur, P.S.- Piparakothi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Kalayan Shankar (App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 30-11-2015

Heard learned counsel for the petitioners and the state.

The petitioners are apprehending arrest in Piparakothi
P.S. Case No. 59 of 2010 of pending in the court of the learned
CJM, Motihari registered for the offences punishable under
sections 447,509,323,324 and 307/34 IPC.

The accusation against the petitioner is of
constructing the house on the land of the informant, on protest
being made he assaulted the informant.

It is submitted that the petitioner that since the case
was registered under bailable provisions, the petitioner was
granted bail by the learned C.J.M. but subsequently final form was
submitted under section 307 IPC and consequently cognizance

was also taken under the said provision, the petitioner preferred anticipatory bail application.

In view of the ratio laid down in the case of Bishundeo Sah Vs. State of Bihar, reported in 2011(1) PLJR 731 the anticipatory is neither maintainable before the learned court below nor before this Court. Once the petitioner was granted bail by the learned C.J.M. then he is in deemed judicial custody.

This application is disposed of with the aforesaid observations.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--