

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57196 of 2015

Arising Out of PS.Case No. -198 Year- 2012 Thana -MAJORGANJ District- SITAMARHI

1. Prabhakar Kumar @ Munna son of Upendra Prasad, Resident of village-
Dumari Khurd, P.S.- Majorganj, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Ataur Rahman(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2015 Heard learned counsel for the petitioner and the state.

The petitioner is apprehending arrest in Majorganj P.S.
Case No. 198 of 2012 of pending in the court of the learned CJM,
Sitamarhi registered for the offences punishable under sections
341,323,354,504 and 307/34 IPC.

The prosecution case is that the accused persons came
variously armed with sword and assaulted the informant and his
daughter and took away jewellery and cash of rupees two lacs.

It is submitted that the petitioner that final form was
submitted under bailable provisions and the petitioner was granted
bail by the police. Statement to that effect has been made in
paragraph 7 of the petition.

Considering the fact that the petitioner was on police

bail, the present anticipatory bail application is not maintainable in view of the ratio laid down in the case of Bishundeo Sah Vs. State of Bihar, reported in 2011(1) PLJR 731.

Let the learned court below consider the prayer of the petitioner for regular bail in view of the ratio laid down in the case of Mahendra Pd. Singh Vs. State of Bihar 2004(3) PLJR 491. However, it is made clear that in such circumstances bail can only be denied in case of misuse of police bail.

This application is disposed of with the aforesaid observations.

(Dinesh Kumar Singh, J)

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