

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49428 of 2015

Arising Out of PS.Case No. -19 Year- 2010 Thana -GOVINDPUR District- NAWADA

- =====
1. Kishun Singh son of Late Aake Singh
 2. Manoj Singh son of Kishun Singh
 3. Nawal Singh @ Nawal Kishor Singh son of Kishun Singh.
 4. Radha Devi wife of Manoj Singh.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-10-2015 Heard learned counsels for the petitioner and the

State.

The petitioners being the father, brothers and brother's wife of the late husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

The basic accusation is of torture after death of the husband of the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled for the purposes of enforcing partition in the family. It is further submitted that earlier the petitioners were granted anticipatory bail by learned

Sessions Judge, Nawada vide order dated 13.12.2010 passed in A.B.P. No. 760 of 2010, till the submission of final form (chargesheet). Subsequently, the final form (chargesheet) has been submitted on 14.02.2011 vide chargesheet no. 05 of 2011.

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 Govindpur P.S. Case No. 19 of 2010 pending in the court of learned CJM, Nawada.

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.

Learned counsel for the petitioner is permitted to
make necessary correction in the petition.

(Dinesh Kumar Singh, J)

Amrendra/-

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

