

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53468 of 2015

Arising Out of PS.Case No. -110 Year- 2013 Thana -RAJIVNAGAR District- PATNA

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Ravindra Chaudhary @ Ravindra Kumar, S/o Late Bindeshwari Chaudhary,
resident of mohalla- Rajeev Nagar, Road No.-19, Police Station- Rajeev
Nagar, Town and District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 24-11-2015

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
341, 323, 325, 307, 504/34 of the Indian Penal Code.

The prosecution case is of making assault to the
wife of the informant. Injury has been found simple in
nature.

It is submitted by the learned counsel for the
petitioner that on conclusion of investigation Final Form was
submitted, as a result the earlier bail application was
dismissed as withdrawn vide Cr. Misc. No. 28581 of 2014, but
differing with the Final Form, cognizance has been taken under
Section 307 of the Indian Penal Code, though the petitioner
was on police bail.

Considering the above fact, the present application for anticipatory bail is not maintainable.

Let the learned court below consider the prayer for regular bail of the petitioner in view of the ratio laid down in the case of Mahendra Prasad Singh Vrs. The State Of Bihar reported in 2004 (3) 491 P.L.J.R.

It is made clear that in such circumstances when the accused is on police bail, the regular bail can only be denied in case of misuse of privilege of bail.

(Dinesh Kumar Singh, J)

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