

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36780 of 2015

Arising Out of PS.Case No. -188 Year- 2014 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Md. Aaras @ Md. Aaras Alam Son of Late Khus Mohammad
 2. Anjar Alam @ Anjar Mian Son of Md. Aaras
 3. Mussa Mian @ Musha Mian Son of Late Mozim Mian
 4. Ansar Mian @ Guddu Mian @ Guddu @ Ansar Alam Son of Md. Aaras
 5. Daud Mian Son of Late Safi Mian
 6. Nasim Mian @ Nasin Ansari S/o Muna Mian @ Muna Mian All are residents of village - Telpur, Police Station - Lauriya, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Nityanand Tiwary(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-09-2015 Heard learned counsels for the petitioners,
informant and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 504 of the Indian Penal Code.

The accusation is of making assault to the informant's side.

It is submitted by learned counsel for the petitioners that petitioners were on police bail. The final form was submitted under the bailable provisions of the Indian Penal Code but differing with the final form, cognizance has

also been taken under Section 307 of the Indian Penal Code.

In view of this Court, since the petitioners were on police bail, hence they were in deemed custody of the police. Their anticipatory bail application was neither maintainable before learned Sessions Judge nor before this Hon'ble Court.

Let learned Court below consider the prayer for regular bail of the petitioners keeping in view of the ratio laid down in the case of **Mahendra Prasad Singh versus The State of Bihar reported in 2004(3) PLJR 491**, if the petitioners surrender within a period of six weeks and pray for regular bail in connection with Lauriya P.S. Case No. 188 of 2014, pending in the Court of learned Chief Judicial Magistrate, Bettiah, West Champaran. However, it is made clear that in such a situation the bail can only be denied in case of misuse of privilege of earlier bail.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

Shageer/-

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