

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53404 of 2015

Arising Out of PS.Case No. -53 Year- 2014 Thana -JALALPUR District- SARAN

1. Rupa Devi
2. Rita Devi
Both are daughter of Sri Ashok Prasad Singh
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kumar, Advocate
For the Opposite Party/s : Mr. Dilip Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-11-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in connection with Jalalpur P.S. Case No.53 of 2014 registered for the offences punishable under Sections 341, 323, 325, 506/34 of the Indian Penal Code, pending before the learned Judicial Magistrate, 1st Class, Chapra.

Accusation is of making assault to the informant's wife and son by co-accused Ashok Prasad Singh and the petitioners are the daughters of Ashok Prasad Singh.

The petitioners were granted bail by learned Judicial Magistrate, Saran at Chapra on 30.05.2015. Subsequently, on conclusion of investigation the chargesheet was submitted under sections 341, 323, 325, 307, 504/34 of the Indian Penal Code

and, thereafter, the order taking cognizance was passed on 29.06.2015. Accordingly, summons were issued to the petitioners. The petitioners ought to have appeared in pursuance to the summons in stead of preferring anticipatory bail application.

In view of this Court the anticipatory bail application was neither maintainable before the learned Sessions Judge nor before this Court. Once the petitioner was granted bail by the learned Judicial Magistrate, he is in deemed custody of the court and on that ground in view of the ratio laid down in the case of **Bishundeo Sahu versus State of Bihar** reported in **2011(1) PLJR 731** the anticipatory bail application is not maintainable.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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