

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31284 of 2015

Arising Out of PS.Case No. -124 Year- 2014 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Jata Mian @ Nizamuddin Mian S/o Nasim Mian
 2. Aslam Mian S/o Nasim Mian
 3. Mukhtar Mian S/o Late Feku Mian
 4. Jamadar Mian S/o Nasim Mian
 5. Rustam Mian @ Dhedhi Mian S/o Nasim Mian All residents of Village - Sugauli, P.S. - Lauria, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-07-2015

Heard learned counsel for the petitioners and the state.

At the outset, it is submitted that the petitioner nos. 1,4 and 5 are on police bail.

Hence, this application for anticipatory bail on behalf of petitioner nos. 1, 4 and 5 is not maintainable. Let the learned court below consider prayer for regular bail of the petitioner nos. 1,4 and 5 in view of the ratio laid down in the case of Mahendra Prasad Singh Vs. State of Bihar reported in 2004(3) PLJR 491 in connection with Lauria P.S. Case No. 124 of 2014 pending in the court of learned C.J.M. West Champaran at Bettiah.

It is made clear that any accused who has been

enjoying the privilege of police bail can be denied bail only when it is found that police bail has been misused.

Petitioner nos. 2 and 3 are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307,447 and 504 of the Indian Penal Code.

The accusation is of assaulting the informant and grand son in law of the informant and neighbour of the informant namely Joni Devi.

It is submitted by the learned counsel for the petitioners that the accusation against the petitioner no. 2 is that he assaulted with lathi on the hand of grand son in law of the informant and the injury has been found to be grievous. So far as petitioner no. 3 is concerned, there is no specific accusation against him to make assault. Petitioner nos. 2 and 3 were not sent up for trial but differing with the final form cognizance has been taken.

Let the learned court below consider the prayer for regular bail of the petitioner no. 2 in case the petitioner no. 2 surrenders within six weeks from today in connection with Lauria P.S. Case No. 124 of 2014 pending in the court of learned C.J.M. West Champaran at Bettiah.

Since there is no accusation of overt act against

petitioner no. 3 above named, let him be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran at Bettiah in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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