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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8947 of 2016

Arising Out of PS.Case No. -105 Year- 2010 Thana -KAUAKOL District- NAWADA

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1. K.B. Yadav @ Kebi Yadav Son of Brahmdeo Yadav
2. Upendra Yadav Son of Brahmdeo Yadav
3. Adhik Yadav Son of Brahmdeo Yadav
4. Brahmdeo Yadav Son of Sita Ram Yadav
5. Niku Kumari D/o Brahmdeo Yadav
6. Rita Devi @ Reena Devi W/o Upendra Yadav
7. Dhumki Devi W/o Sri Brahmdeo Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

Prosecution case is of assaulting the informant, informant's brother, namely, Bholi Yadav and informant's wife. The accused persons also snatched ornaments from the wife of the informant worth Rs.15,000/-.

It is submitted by learned counsel for the petitioners that on conclusion of investigation, the final form (charge-sheet) was submitted under sections 341, 323, 324/34 of the Indian Penal Code and all the petitioners were released on police bail. A statement to that effect has been made in paragraph 7 of the petition which reads as follows :-

"70. That earlier case was lodged u/s 341, 323,324,307,379 and 34 I.P.C. but after investigation police charge sheet no. 26/2011 dt. 25.03.2011 was submitted only offence u/s 341, 323, 324/34 I.P.C. and all accused was released on police bail."

In view of the above statement, the present application is not maintainable.

Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of six weeks in connection with Kawakole P.S. Case No.105/2010, pending before the learned Judicial Magistrate, 1st Class, Nawada, in view of the ratio laid down in the case of ***Mahendra Prasad Singh Vs. State of Bihar*** **reported in *2004(3) PLJR 491***.

However, 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 for bail.

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

(Dinesh Kumar Singh, J)

Ashwini/-

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