

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16839 of 2016

Arising Out of PS.Case No. -625 Year- 2014 Thana -KHAGARIA District- KHAGARIA

- =====
1. Md. Akil S/o Md. Makki
 2. Abadi Son of late Futtu

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-04-2016

Heard learned counsels for the petitioners

and the State.

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

The prosecution case is that on 06.10.2014 at 8.00 P.M. some quarrel took place between Md. Rikki and Md. Sabbir, in the meantime, the informant tried to pacify the dispute then the FIR named accused persons including the petitioners assaulted the informant on his head by bricks and liquor bottle.

It is submitted by learned counsel for the petitioners that the petitioners were on bail but subsequently on the direction of the S.P., the charge sheet has been submitted

under Sections 341, 323 and 307/34 of the IPC, statement to that effect has been made in paragraph 9 of the petition.

Considering the fact that the petitioners were on bail, this application is not maintainable.

Let the learned court below consider the prayer for regular bail of the petitioners in view of the ratio laid down in the case of Mahendra Prasad Singh Vs. State of Bihar, reported in 2004(3) PLJR 491, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Khagaria (Gangaur) P.S. Case No. 625 of 2014 pending in the court of learned Chief Judicial Magistrate, Khagaria.

It is made clear that bail can only be denied in case of misuse of privilege of bail.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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