

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23665 of 2016

Arising Out of PS.Case No. -4 Year- 2015 Thana -PANCHRUKHI District- SIWAN

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1. Rahul Kumar @ Rahul Mali @ Rahul Ranjan Kumar son of Chunni Lal Prasad resident of village - Sahlaur, P.S. Sarai O.P. District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-05-2016

Heard learned counsel for the petitioner and the state.

The petitioner is apprehending arrest in Pachrukhi (Sarai OP) P.S. Case No. 4 of 2015 of pending in the court of the learned SDJM, Siwan registered for the offences punishable under sections 307,323,341,504 and 506 IPC.

The prosecution case is that the petitioner tried to slit the neck of the informant's daughter. The accusation has been found corroborated with the medical opinion.

It is submitted that the petitioner that the petitioner was on police bail but on conclusion of investigation the petitioner was chargesheeted when others were not sent up for trial and subsequently order of cognizance has been passed. Statement with regard to grant of police bail to the petitioner has been made in

paragraph 13 of the petition.

Considering the fact that the petitioner was on police bail, the present anticipatory bail application is not maintainable in view of the ratio laid down in the case of Bishundeo Sah Vs. State of Bihar, reported in 2011(1) PLJR 731.

Let the learned court below consider the prayer of the petitioner for regular bail in view of the ratio laid down in the case of Mahendra Pd. Singh Vs. State of Bihar 2004(3) PLJR 491. However, it is made clear that in such circumstances bail can only be denied in case of misuse of police bail. The bail application of the petitioner may be disposed of preferably on the same day.

This application is disposed of with the aforesaid observations.

(Dinesh Kumar Singh, J)

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