

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34856 of 2015**

Arising Out of PS.Case No. -60 Year- 2010 Thana -MUZAFFARPUR SADAR District-  
MUZAFFARPUR

Prabhas Kumar @ Bhola Son of Late Shyam Kishore Singh, Resident of  
Village - New Colony,Khabra, P.S. - Sadar, District - Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar

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

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

02/ 17-02-2016

Heard learned counsels for the petitioner

and the State.

The petitioner has renewed his prayer for  
anticipatory bail in a case registered for the offences punishable  
under Sections 341, 342, 323, 307, 379 and 324/34 of the Indian  
Penal Code.

The prosecution case is that the petitioner  
alleged to have assaulted with Hasuli to the informant causing  
muscle deep injury on the left side of the chest. The earlier  
anticipatory bail of the petitioner was disposed of on 05.04.2011  
vide Cr. Misc. No. 8254 of 2011.

It is submitted by learned counsel for the

petitioner that since the petitioner was on police bail, hence, he could not surrender before the learned court below.

Considering the fact that the petitioner was directed liberty to surrender and pray for regular bail about five years ago, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected. The contention of being on police bail has now been taken even assuming that petitioner was on police bail then the application of anticipatory bail is not maintainable.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Sadar P.S. Case No. 60 of 2010 pending in the court of learned Chief Judicial Magistrate, Muzaffarpur.

**(Dinesh Kumar Singh, J)**

DKS/-

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