

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36120 of 2016

Arising Out of PS.Case No. -219 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Munna Mian S/o Sharif Mian
2. Sharif Mian S/o Late Roz Mian
3. Azeem Mian S/o Late Sugandhi Mian
4. Kasim Mian S/o Late Sugandhi Mian All Resident of village-
Mehandiya, P.S.- Chanpatiya, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. M. Dayal

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 02-12-2016 Heard Mr. Thakur for the petitioners and Mr. M. Dayal,
APP for the State.

The petitioners pray for anticipatory bail in Chanpatiya P.S.
Case No. 219 of 2015 registered under Sections 308, 379, 504 and
other allied Sections of the Indian Penal Code

It is stated that during the investigation of the case, the
petitioners were granted the protection under 41(1) of the Code of
Criminal Procedure (for short “the Code”). Referring to the case
of *Gauri Shankar Roy Vs. State of Bihar, reported in 2015(3)*
P.L.J.R. 618, it is submitted that the anticipatory bail would be
maintainable. However, from perusal of the said judgment, it



appears referring to the view taken in the case of ***Mahendra Prasad Singh Vs. State of Bihar, reported in 2004 (3) P.L.J.R. 491*** and looking to the allegation, the court permitted the petitioner(s) to surrender and pray for bail which was directed to be considered in accordance with law as also the fact that the petitioner had been granted the privilege of Section 41(1) of the Code during investigation.

Let the petitioners surrender and pray for bail which shall be considered and disposed of by the learned court below in accordance with law.

The application is disposed of.

(Kishore Kumar Mandal, J)

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