

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43378 of 2016

Arising Out of PS.Case No. -86 Year- 2014 Thana -BHAGWANGANJ District- PATNA

- =====
1. Panchu Bind @ Jai Prakash Bind Son of Tenuk Bind
 2. Tenuk Bind Son of Late Ram Sewak Bind
 3. Shiva Devi W/o Tenuk Bind
 4. Ranjana Devi, wife of Panchu Bind @ Jai Prakash Bind

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016

Heard.

Petitioner no.1 being the husband of the informant whereas petitioner nos. 2 to 4 are parents and the second wife of petitioner no.1 are apprehending arrest in connection with Bhagwanganj P.S. Case No.86/2014 registered for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, pending before the learned SDJM, Masaurhi at Patna.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioners that petitioners are on police bail. A statement to that effect has been made in paragraph no.11 of the petition, which reads as

under :-

"That it is further submitted that during the course of investigation police has submitted charge sheet against all the petitioners, after submission of charge sheet petitioners got bail by the police on 28.01.2015."

In that circumstance, the anticipatory bail application is not maintainable.

Let the learned Court below consider the prayer for bail of the petitioners on surrender in view of the ratio laid down in the case of ***Mahendra Prasad Singh versus The State of Bihar*** reported in **2004(3) PLJR 491**.

However, it is made clear that in such circumstances, the bail can only be denied, in case of misuse of privilege of earlier bail.

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

(Dinesh Kumar Singh, J)

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