

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43246 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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Rupesh Rai @ Ranjan Rai @ Ranjan Kumar Yadav Son of Ashok Rai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-09-2016

Heard.

The petitioner being the husband of the informant is apprehending arrest in connection with Mahila P.S. Case No.36/2016 registered for the offences punishable under Sections 498A and 494 of the Indian Penal Code, pending before the learned ACJM-cum-Sub-Judge-VII, Muzaffarpur.

Basic accusation is of torture and performing second marriage.

It is submitted by learned senior counsel for the petitioner that petitioner is on police bail.

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

Let the learned Court below consider the prayer for bail of the petitioner 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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