

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36958 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -JOGAPATTI District- WEST CHAMPARAN
(BETTIAH)

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1. America Sah @ Jawahir Sah S/o Late Dilchan Sah
2. Ramsundar Mahto @ Ramsunar Mahto S/o Late Phali Mahto resident of
Village- Pipra Kachhari Tola, P.S.- Yogapati District- West Champaran
..... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 19-09-2016 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor appearing on behalf of

the State.

It is submitted on behalf of the petitioners that
after completion of investigation, the Police did not find the
case to be true under Section 307 of the Indian Penal Code
and filed charge sheet for the offences punishable under
Sections 341/323/504/34 of the Indian Penal Code. The
offences being bailable, the petitioners have been granted
bail. Subsequent thereto, learned Court below has taken
cognizance of the offences for which no charge sheet was
submitted including the offence punishable under Section
307 of the Indian Penal Code.

In view of this Court's decision, in the case of

Sheochandra Singh and Others v. State, reported in **2007 (4) BBCJ V-67**, if an accused is granted bail in connection with a case, he should, normally, be allowed to remain on such bail, if, subsequently, charge sheet is submitted under different sections, which constitute grievous offence, unless there has been any misuse of the privilege of bail.

Considering the above decision of this Court, it is observed that if the petitioners appear before the Court below, they should be allowed to remain on bail on the same bail bonds furnished by them for their release in connection with Yogapatti Police Station Case No. 27 of 2016, unless there is any allegation of misuse against them.

It is indicated that the petitioners' act of approaching this Court for grant of anticipatory bail by way of present application, despite decision of this Court, in the case of **Sheochandra Singh** (supra), cannot be said to be an abuse of the process, since to me, it appears to be a bona fide act on the part of the petitioners.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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