

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34009 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -BAHERI District- DARBHANGA

- =====
1. KANHAI SINGH son of Late Maheshwar Singh
 2. Raushan Kumar Singh @ Baktar son of Kanhai Singh
 3. Manchan Kumar Singh son of Gopal Jee Singh

All are resident of Village- Samandhpura, P.S.- Baheri, District- Darbhanga.

.... Petitioners

Versus

1. The State of Bihar
2. Vimal Kishore Singh, son of Late Laliteshwar Singh, resident of village- Samandhpura, P.S. Baheri, District- Darbhanga

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 01-12-2016 Heard Sri Aditya Narayan Singh, learned counsel for the petitioner, Sri (Dr.) Rabindra Kumar, learned Addl. Public Prosecutor and Sri Manish Kumar, learned counsel, who has appeared on behalf of the informant.

Three petitioners, who claim to be distantly related with the informant, have prayed for grant of anticipatory bail in Baheri P.S. Case No.88/2015 registered for the offence under Sections 341, 323, 504, 506, 384, 379/34 of the Indian Penal Code.

In this case, earlier by order dated 24.08.2016, while summoning the case diary, learned counsel for the petitioner



was directed to implead the informant as Opp.Party no.2 and interim protection was given not to take any coercive steps against the petitioner. After perusal of the case diary, learned Addl. Public Prosecutor submits that after investigation, accusation for non-bailable offence was concluded and chargesheet was submitted for the offence under Sections 341, 323, 504, 506/34 of the Indian Penal Code. According to learned Addl. Public Prosecutor, all offences are bailable.

Keeping in view the fact that chargesheet was submitted for the bailable offences, unless the petitioners are not in a position to satisfy that cognizance order has been passed for the offence under non-bailable Sections of the Indian Penal Code, there is no point to entertain the anticipatory bail petition.

The petition stands dismissed.

It is made clear that if at subsequent stage, petitioners come to know that cognizance order has been passed under non-bailable offences, they would be at liberty to avail appropriate remedy.

In view of dismissal of the present petition, interim order of stay stands vacated.

(Rakesh Kumar, J)

NKS/-

U		T	
---	--	---	--

