

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39977 of 2016

Arising Out of PS.Case No. -77 Year- 2013 Thana -BHAPATIYAH I District- SUPAUL

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1. Md. Gaffar @ Abdul Gaffar
 2. Md. Sattar
 3. Md. Nisar
 4. Md. Jabul,
Sons of Late Md. Basiruddin
 5. Md. Nurul Hoda
 6. Md. Farooque
 7. Md. Ekram
 8. Md. Sahman
Sons of Late Md. Hakim
 9. Md. Sajebul, son of Md. Samsul
 10. Ganga Pd. Mandal, Son of Late Ram Kisun Mandal
- All are resident of Sahpur, Prithvipatti Tola Nanipur, Police Station-
Bhaptiyahi, District - Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun, Advocate.
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-09-2016 Heard both sides.

The petitioners, ten in number, apprehend their arrest
in Bhaptiyahi P.S. Case No. 77/13 registered under Section 307
and other sections of the Indian Penal Code.

During the course of investigation, the petitioners
were granted bail by the police and the police submitted
chargesheet under different bailable sections of the Indian Penal
Code but the learned court below took cognizance under Section
307 of the Indian Penal Code differing with the finding of the

investigating officer. Thereafter, the learned Sessions Judge vide order dated 04.08.2016 rejected the Anticipatory Bail Petition of the petitioners holding that the Anticipatory Bail Petition is not maintainable as the petitioners are on bail, but even after such observation, the petitioners filed this Anticipatory Bail Petition.

On the face of it, it appears that the petitioners are on bail. Therefore, this Anticipatory Bail Petition is not maintainable. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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