

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11895 of 2016

Arising Out of PS.Case No. -112 Year- 2015 Thana -JOKIHAT District- ARRARIA

- =====
1. Md. Wasique @ Wasique
 2. Md. Qashim
both Sons of Late Taslim
 3. Muntazir son of Md. Wasique
 4. Salahuddin
 5. Mohib
both Sons of Khalil
 6. Hefaz Son of Tasaubar
 7. Karu Son of Hefaz
 8. Wasim Son of Hasim
 9. Hasim Son of Jally @ Jalil
 10. Guddu Son of Aiyyub
 11. Pappu Son of Aiyyub
 12. Hasib Son of Latiful
 13. Imtiyaz Son of Nayeem

All Resident of Village Matyari, P.S.- Jokihat, District- Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr.Advocate
Mr. Md. Ziaul Quamar, Advocate
Mr.Ajay Kumar, Advocate
For the Opposite Party/s : Mr. P.K. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-04-2016

Heard the parties.

The petitioners have filed the present application under Section 438 of the Code of Criminal Procedure, 1973 (in short, "Cr.P.C.") for grant of anticipatory bail with respect to a criminal prosecution registered under Sections 307, 379, 325 and some other allied offences under the Indian Penal Code.

The learned senior counsel appearing on behalf of the petitioners submits that, during course of investigation, the petitioners were granted bail by the police on 08.07.2015. However, subsequently, chargesheet under Section 307 and some

other allied offences under the Indian Penal Code has been submitted. Therefore, they apprehend their arrest.

Law is well settled that once an accused has submitted to the jurisdiction either of the police or to the Court and has been granted bail, then a petition under Section 438 Cr.P.C. on behalf of such accused person is not maintainable.

In above view of the matter, the present application is disposed of with a direction to the petitioners to surrender in the court below within a period of six weeks from today and apply for bail ,in connection with Jokihat P.S.Case No. 112 of 2015 pending in the court of learned Sub Divisional Judicial Magistrate, Araria.

It goes without saying that if the petitioners surrender in the court below, then they shall be granted the benefit of the observations made by a co-ordinate Bench of this Court, particularly paragraph 5, in the case of **Mahendra Prasad Singh Vs. The State of Bihar [2004(3) PLJR 491]**.

(Birendra Prasad Verma, J)

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