

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12649 of 2016

Arising Out of PS.Case No. -164 Year- 2013 Thana -NANHPUR District- SITAMARHI

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1. Md. Niyaz @ Md. Niyaj Ahmad
2. Jeenat Pravin Wife of Md. Jafar Both R/o Village- Nanpur North, PS Nanpur, District Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Upendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-04-2016 Heard Mr. Jha for the petitioners and Mr. Dayal, learned APP for the State.

Although the two petitioners herein along with others were made accused of non bailable offence, but in course of investigation it was found to be a case of bailable offence inasmuch as it is stated that the accuseds were granted the privilege of bail by the police/Investigating Officer. Subsequently, cognizance was taken under section 307 IPC. Apprehending their arrest, they moved the learned Sessions Judge for grant of anticipatory bail. The learned Sessions Judge having noticed the salient features of the case, permitted the petitioners to surrender and seek bail in the court below and the court below was directed

to consider the bail application keeping in view the observation(s) made by him. It is stated that if the petitioners have been granted police bail they are entitled to bail.

Mr. Dayal, learned APP has submitted that this is what the learned Sessions Judge has observed in the order and the court below was directed to consider the bail application if the petitioners surrender and pray for bail in the light of the observation(s).

Considering the observation(s) made in the impugned order, I am not persuaded to extend the privilege of anticipatory bail to the petitioners. They may surrender and seek regular bail.

The application stands disposed of.

(Kishore Kumar Mandal, J)

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