

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20453 of 2016

Arising Out of PS.Case No. -149 Year- 2014 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Harikant Mishra @ Mungadi Mishra, Mungadi Mishra, son of Late Dhanraj Mishra, resident of Village-Chapwa Sugaon, P.S.-Sugauli, District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Most. Rashmi Jha, wife of Late Ravi Kumar @ Pankaj Jha, resident of Parwati Bhawan, Fakirana Road, Jha Patti, Banuchhapara, P.S.- Bettiah Muffasil, District-West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-05-2016 The petitioner being father of the late husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A, 406, 506/34 of the Indian Penal Code.

The basic accusation is of torture.

It appears that petitioner was earlier granted anticipatory bail by learned Sessions Judge, Bettiah, West Champaran vide order dated 18.09.2014 passed in A.B.P. No. 652 of 2014 till submission of the charge-sheet/final form.

It is submitted by learned counsel for the petitioner that now final form has been submitted and petitioner and others have been charge-sheeted.

In the aforesaid circumstance, the anticipatory bail application of the petitioner is not maintainable in view of

the ratio laid down by the Division Bench of this Court in the case of **Bishundeo Sahu versus State of Bihar reported in 2011(1) PLJR 731.**

However, let learned Court below pass appropriate order with regard to the regular bail of the petitioner in view of the ratio laid down in the case of **Mahendra Prasad Singh versus The State of Bihar reported in 2004(3) PLJR 491**, if the petitioner surrenders within a period of six weeks in connection with Bettiah Muffasil(Banuchhapar) P.S. Case No. 149 of 2014, pending in the Court of learned Chief Judicial Magistrate, Bettiah, West Champaran.

It is made clear that in such circumstance, the regular bail can only be denied on the charges of misuse of privilege of bail.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

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