

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53417 of 2015

Arising Out of PS.Case No. -177 Year- 2014 Thana -SINGHIYA District- SAMASTIPUR

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1. Md. Saddam son of Yasin @ Tetar, resident of village- Masankhun, P.S.-
Kusheshwarsthan, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Jannti Khatoon, W/o Md. Saddam, village- Masankhun, P.S.-
Kusheshwarsthan, District- Darbhanga D/o- Md. Muslim, resident of
village- Mahara, P.S.- Singhia, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

4 26-04-2016 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under Sections
498A, 341, 323, 504/34 of the Indian Penal Code and 3/4
of the Dowry Prohibition Act.

Learned counsel for the petitioner Mr. Vinay
Kumar Mishra submits that the petitioner was on police
bail, hence he seeks permission to withdraw the
application. Permission is accorded.

Considering the above fact, the present
application for anticipatory bail is not maintainable.

Let the learned court below consider the prayer

for regular bail of the petitioner in view of the ratio laid down in the case of Mahendra Prasad Singh Vrs. The State of Bihar reported in 2004 (3) 491 P.L.J.R.

It is made clear that in such circumstances when the accused enjoying police bail, the regular bail can only be denied in case of misuse of privilege of bail.

However, in pursuance of the notice issued by this Court on 24.11.2015 the informant along with her counsel are present.

(Dinesh Kumar Singh, J)

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