

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24928 of 2017

Arising Out of PS.Case No. -287 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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1. Pramila Devi, Wife of Kapildeo Singh,
2. Brajesh Singh, Son of Kapildeo Singh, Both Resident of Village
Jhandapur, Police Station Bihpur District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-07-2017 Mr. S.C. Mishra, counsel for the petitioners states that both the petitioners were granted the privilege as provided in section 41(1) of the Cr. P.C. in course of investigation. He relies on a judgment of this Court in Mahendra Prasad Singh vs. State of Bihar (2004 (3) PLJR 491). This Court having noticed the submission in paragraph 5 directed as under:-

“In the facts of the case, petitioner must honour the terms of police bail and appear before the Court without any delay. In case, petitioner appears before the Court below within six weeks then the Court below shall consider his prayer for bail in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is nay allegations of misuse etc. With this observation, this application for anticipatory bail is disposed of.”



In view of aforesaid, let the petitioners also appear before the learned court below without any further delay. In case, they appear before the court below within 05 weeks, the court below shall consider their prayer for bail in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegation of misuse thereof.

The application is disposed of.

(Kishore Kumar Mandal, J)

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