

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23075 of 2017

Arising Out of PS.Case No. -205 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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Kishun Yadav @ Kishuna Yadav, son of late Mangal Yadav, resident of
village- Utari Teluwa, Police Station- Nautan, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate.

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection
with Trial No. 3640 of 2016 arising out of Nautan P.S. Case No.
205 of 2016 instituted for the offence under Sections 341, 323,
354(B), 379, 504 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
learned Sessions Judge has rejected the bail application of the
petitioner on the ground that the same is not maintainable as the
petitioner is already on police bail and there is no cause of
apprehension.

Learned counsel for the petitioner submits that after
submission of charge sheet cognizance has been taken against the
petitioner for the offence under Sections 354 and other allied



Sections of the Indian Penal Code.

In such circumstances, this anticipatory bail application is disposed off with a direction to the petitioner to surrender before the court below within a period of six weeks from today and the court below will dispose of the bail application of the petitioner in terms of observation made by this Hon'ble Court in the case of *Mahendra Prasad Singh Vrs. State of Bihar*, reported in *2004 (3) PLJR, page 491* wherein the Hon'ble Court has held "that a person who is already on bail shall not be denied such privilege unless there is any allegations of misuse etc."

The court below will dispose of the bail application on the same day in terms of the aforesaid judgment.

This application is accordingly disposed off.

(Sanjay Priya, J)

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