

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38489 of 2017

Arising Out of PS.Case No. -95 Year- 2013 Thana -CHHATAPUR District- SUPAUL

- =====
1. Obedullah
 2. Abdul Rahman
 3. Abdul Varik @ Abul Bari
 4. Abbas Ali @ Md. Abbas Ali @ Md. Ali
 5. Jaffar Ali @ Md. Jaffar
 6. Anayatullah
 7. Jaainan Abedin @ Md. Jainul Abedin
 8. Gaffar @ Abdul Gaffar
 9. Mohammad Ali
 10. Md. Yusuf
 11. Niyamat Ali @ Md. Niyamat
 12. Aabdullah
 13. Jalil @ Abdul Jalil
 14. Aabdu Sattar @ Abdul Sattar &
 15. Md. Kadir @ Abdul Kadir

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun
For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioners and the State.

It has been submitted that prior to the submission of the charge sheet, all these petitioners were earlier granted bail by the court below. Police after investigation, submitted charge sheet for the offence under Section-302 of the IPC and accordingly, cognizance has also been taken and summons have been issued and, therefore, petitioners apprehend their arrest in Chhatapur P.S. Case No. 95 of 2013 after submission of the charge sheet for the offence under Section-302 & other minor sections of the Indian Penal Code.



Counsel for petitioners has relied upon a decision of this court reported in **2004(3) PLJR 491 (Mahendra Prasad Singh Vs The State of Bihar)** wherein it has been held that once the accused has been granted bail, the same will not be cancelled unless privilege has been misused.

In such circumstances, this anticipatory bail petition is disposed off with direction to the petitioners to surrender in the court below and seek regular bail, which shall be disposed of by the court below, on the same day, in accordance with law, after relying on the decision of this court reported in **2004(3) PLJR 491 (Mahendra Prasad Singh Vs The State of Bihar)**.

(Sanjay Priya, J)

A.K.V./-

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