

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38193 of 2017

Arising Out of PS.Case No. -15 Year- 2016 Thana -BAHERI District- DARBHANGA

- =====
1. Ram Chandra Yadav, Son of Late Baleshwar Yadav,
 2. Mishri Lal Yadav @ Makshi Lal Jadav Son of Late Baleshwar Yadav,
 3. Udgar Yadav Son of Ram Haryan Adav @ Ram Haryan Yadav,
 4. Ram Chandra Yadav Son of Budhan Yadav,
 5. Shiv Jee Yadav Son of Late Raghu Nandan Yadav,
 6. Arun Kumar @ Arun Yadav Son of Mishri Lal Yadav,
 7. Hare Krishna Yadav Son of Basudev Yadav,

All are R/o Village - Nandapatti, P.S.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Sri Abhay Kumar – 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-08-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend arrest in connection with Baheri
P.S. Case No. 15 of 2016 registered for the offence(s) punishable under
section(s) 147, 148, 448, 341, 323, 504, 337, 379 and 307 of the Indian
Penal Code.

It appears from the record that a police case, vide Baheri
P.S. Case No. 11 of 2016 dated 28.01.2016 has been registered against
petitioners for the offences under sections 448, 341, 323, 506, 504, 379
of the Indian Penal Code.

The matter was investigated and Police submitted charge
sheet under sections 147, 149, 448, 341, 504/34 of the Indian Penal
Code. After submission of charge sheet, the petitioners were granted



bail by the Police. The learned Magistrate differed with the Police report and took cognizance also for the offence under section 307 of the Indian Penal Code. The petitioners apprehending arrest, filed A.B.P. No. 738 of 2017, which after hearing, was rejected considering the fact that cognizance for the offence under section 307 of the Indian Penal Code along with other sections were taken.

On going through the FIR and impugned order, I find that the petitioners were released on bail by the Police and so, they must honour the terms of Police bail and appear before the Court below without any delay.

The anticipatory bail in face of Police bail is not maintainable. In case, the petitioners appear before the Court below within six weeks then 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 etc.

With the above observation and direction, this criminal miscellaneous application is disposed of.

(Sanjay Kumar, J)

Mahesh/-

U		T	
---	--	---	--

