

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54807 of 2017

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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 Yadav, Son of Mishri Lal Yadav @ Makshi Lal Jadav,
7. Hare Krishna Yadav, Son of Basudev Yadav, All are Village Nandapatti,
P.S.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 29-11-2017 The petitioners have filed this application for modification of order dated 17.08.2017 passed by this Court in Criminal Miscellaneous No.38193 of 2017.

The anticipatory bail of these petitioners in connection with Baheri P.S. Case No.15 of 2016 was disposed of in view of submission of learned counsel for the petitioners that the petitioners were released on bail by police. This Court, finding the anticipatory bail of these petitioners not maintainable in view of police bail, had directed the petitioners to appear before the court below where the court below had to consider their prayer in view of established principle that a person, who is already on bail, shall



not be denied such privilege unless there is any allegation of misuse etc.

The learned counsel for the petitioners submitted that the petitioners were actually not on police bail rather they have been given benefit of Section 41(A) of Cr.P.C. Prayer for bail was inadvertently made by learned counsel at the time of hearing.

From perusal of the record, it appears that the police submitted charge sheet under bailable sections but the court below also took cognizance for the offence under section 307 of the Indian Penal Code. The Criminal Miscellaneous Case No.38193 of 2017 was disposed of with certain directions which has not been complied by the petitioners and they have come to renew their prayer without there being any fresh material.

In view of the above fact, I am not inclined to reconsider their prayer. This application is disposed of with an observation that if the petitioners surrender before the court below, their prayer for bail shall be considered on its merit without being prejudiced in any way by the order of this Court.

(Sanjay Kumar, J)

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