

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52218 of 2017

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHESI District- SAHARSA

- =====
1. Lal Mohar Sah, Son of Late Asharfi Sah,
 2. Munna Kumar Sah, Son of Lal Mohar Sah,
 3. Subhash Sah, Son of Lal Mohar Sah,
 4. Mukesh Sah, Son of Lal Mohar Sah,
 5. Ram Dharokha Devi, W/o Lal Mohar Sah,
 6. Yogi Sada @ Jogi Sada, Son of Late Janak Sada,
 7. Dilip Sada, Son of Yogi Sada @ Jogi Sada,
 8. Deep Devi, W/o Yogi Sada @ Jogi Sada,
 9. Biranchi Sah, Son of Late Asharfi Sah,
 10. Tribhuwan Sah, Son of Biranchi Sah, All are resident of Village- Jhara, P.S.- Maheshi, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Maheshi P.S. Case No. 53 of 2015, registered for the offences punishable under Sections 147, 447, 341, 323, 324, 307, 379, 504 of the Indian Penal Code.

At the very outset, it is submitted that the petitioners were on police bail and on this ground the learned Sessions Judge has rejected the prayer of pre-arrest bail of the petitioners finding



it not entertainable and as such the petitioners who have not misused the privilege of police bail are entitled to be released on bail after their surrender. The learned counsel for the petitioners has filed copy of order dated 04.03.2015 passed in Cri. Misc. No. 6229 of 2015.

The learned A.P.P. fairly submits that in view of earlier decision of *Mahendra Prasad Singh Vs. the State of Bihar* reported in **2004 (3) PLJR 491**, the petitioners may be directed to surrender in the Court below.

In the facts and circumstances as stated above, the criminal miscellaneous is hereby disposed of with observation that if the petitioners appear before the learned S.D.J.M., Saharsa, in connection with Mahesi P.S. Case No. 53 of 2015 within six weeks from today, the concerned Court 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.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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

