

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45057 of 2017

Arising Out of PS.Case No. -178 Year- 2015 Thana -PAROO District- MUZAFFARPUR

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1. Ajay Rai, Son of Anandi Rai,
2. Chandrika Rai, son of Bhikhar Rai,
3. Prakash Rai, son of Nagendra Rai,
All are resident of Village- Dhengpur, Police Station- Paroo, in the district
of Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Trial No. 46
of 2015 arising out of Paroo P.S. Case No. 178 of 2015 instituted
for the offence under Sections 456, 366, 596/34 of the Indian
Penal Code and Sections 4/18 of POCSO Act.

Learned counsel for the petitioners has submitted that
initially the case was registered under bailable offences. The
petitioner has surrendered in the court below and was enlarged on
bail. Subsequently, charge sheet has been filed under non-bailable
Section including the offence under POCSO Act.

The counsel for the petitioners has relied upon a



decision reported in **2004 (3) PLJR-491 (Mahendra Prasad Singh Vrs. State of Bihar)** wherein this Court has clearly observed that a person who is already on bail shall not be denied such privilege unless there is any allegations of misuse etc.

In such circumstances, this anticipatory bail application is disposed off with direction to the petitioners to surrender in the court of learned 1st Additional Sessions Judge-cum-Special Court, POCSO, Muzaffarpur, in connection with Paroo P.S. Case No. 178 of 2015 within a period of six weeks from the date of receipt of this order. The court below will dispose off the bail petition of the petitioners on the same day after taking into consideration the observation of this Hon'ble Court made in the case reported in **2004 (3) PLJR-491 (Mahendra Prasad Singh Vrs. State of Bihar)**.

(Sanjay Priya, J)

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