

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41611 of 2018

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Vishnath Prasad @ Vishwa Nath Prasad, Son of Late Dhora Gond, resident of Village- Balua Bazar, P.S. Thakaraha (Bhitaha), District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

For the Opposite Party/s : Dr. Indivar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-07-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Thakaraha (Bhitaha) P.S. Case No. 48 of 2004** instituted for the offence under Sections 448, 376 and 511 of the Indian Penal Code.

Counsel for the petitioner submits that petitioner was on police bail during investigation.

In the instant case, police after investigation has submitted charge sheet against the petitioner under Sections 448 and 354 of the Indian Penal Code and the court below has taken cognizance under Section 448, 376 and 511 of the Indian Penal Code.

In such circumstances, since the petitioner was already on police bail, this Court is of the view that anticipatory



bail application is not maintainable.

Accordingly, the anticipatory bail application is disposed off with direction to the petitioner to surrender before the court of learned **Additional Chief Judicial Magistrate, Bagaha, West Champaran, in Thakaraha P.S. Case No. 48 of 2004,** within a period of four weeks and make prayer for regular bail which shall be considered by the court below, on the same day if possible, in terms of the observation made by this Hon'ble Court in a decision reported in **2004 (3) PLJR, Page 491 (Mahendra Prasad Singh Vrs. State of Bihar)**, wherein it is mentioned that accused will not be denied bail, if he is released on police bail unless there is any allegation of misuse etc.

(Sanjay Priya, J)

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