

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12045 of 2018

Arising Out of PS.Case No. -256 Year- 2016 Thana -DHURAIYA District- BANKA

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Roshan Sah, son of late Thakur Sah, resident of Village Laxmikitta, P.S.,
Dhoraiya, District Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 27-02-2018 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks anticipatory bail in Dhoraiya P.S.
Case No.256 of 2016 instituted for the offences under Sections
341, 323, 379, 504 and 506/34 of the Indian Penal Code and
later on Section 302 of the Indian Penal Code was added.

The petitioner has moved earlier and he was granted
bail but after addition of Section 302 of the Indian Penal Code
the bail of the petitioner was cancelled. The court below has
rejected the bail of the petitioner on the ground that once he
has already appeared question of anticipatory bail does not
arise.

Learned counsel for the petitioner has placed reliance
on the judgment of this Court in the case of Mahendra Prasad



Singh v. The State of Bihar, reported in 2004(3) PLJR 491 and further he submits that petitioner has never misused the privilege of bail and this Court has held once the petitioner has already been granted bail the question of any anticipatory bail does not arise.

In such view of the matter, this Court directs the petitioner to appear before the court below within a period of four weeks and court below will consider the bail of the petitioner 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 allegation of misuse.

With the aforesaid observation and direction this application is disposed of.

(Shivaji Pandey, J)

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