

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44181 of 2017

Arising Out of PS.Case No. -95 Year- 2015 Thana -MOKAMAH District- PATNA

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1. Rajeev Singh @ Jhullo Singh @ Rajeev Kumar, Son of Late Dhruv Singh,
 2. Swaraj Kumar Singh @ Madan Singh @ Swaraj Kumar, Son of Late Shashi Shekhar Prasad Singh,
 3. Munna Singh @ Arvind Singh @ Arvind Kumar @ Munna Jee Son of Shyam Kishore Singh,
 4. Ashok Singh @ Ashok Prasad Singh, Son of Late Ramdeo Prasad Singh,

All are R/o Village- Chintamani Chak, P.S.- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 05-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Mokama P.S. Case No. 95 of 2015, G.R. No. 930 of 2015** instituted for the offence under Sections 323, 341, 447, 504, 307 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that petitioner was earlier on police bail during investigation.

In the instant case, police after investigation, submitted charge sheet against the petitioners in bailable offences



and they have been granted police bail itself. Thereafter, on the basis of protest petition, the cognizance has been taken in this case for the offence under Section 307 Indian Penal Code.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail.

In such circumstances, since the petitioner was already on police bail, this Court is of the view that the 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 Sub Judge-IV-cum-Additional Chief Judicial Magistrate/Incharge Successor Court, Barh, in Mokama P.S. Case No. 95 of 2015, G.R. No. 930 of 2015, within a period of four weeks and make prayer for regular bail which shall be considered by the court below 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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