

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32782 of 2018**

Arising Out of PS. Case No.-498 Year-2017 Thana- KHAGARIA District- Khagaria

1. Safi Alam, S/o Md. Kalim,
2. Zarina Khatoon @ Jalil Khatoon W/o Md. Safi Alam,
3. Gulshan Khatoon W/o Md. Nayeem, All Residents of Mohalla North Hajipur, P.S.- Chitragupta Nagar, District- Khagaria.
4. Md. Sadav S/o Md. Nayeem, R/o Mohalla- Larkaniya Tola, P.S.- Katihar, District- Katihar.
5. Meena Khatoon W/o Md. Tahir,
6. Md. Sonu
7. Md. Monu, Both Sons of Md. Tahir, Residents of Mohalla- Mathurapur, P.S.- Narayanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Syed Ehteshamuddin  
For the Opposite Party/s : Mr. Sri Indra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      18-07-2018                      Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Khagaria (Chitragupta Nagar) P. S. case no. 498 of 2017 instituted for the offence under Section(s) 341, 323, 307, 379 and 506/34 of the Indian Penal Code pending in the Court of the Judicial Magistrate 1<sup>st</sup> Class, Khagaria.

From the impugned order it appears that petitioners were already on police bail prior to taking cognizance in this case.



It is submitted that cognizance has been taken against the petitioners for the offence under Section 307 of the Indian Penal Code. Therefore, they have filed the instant anticipatory bail petition. This Court finds that since petitioners were already on police bail prior to taking cognizance, therefore, this anticipatory bail petition is not maintainable.

The application is, accordingly, disposed off with direction to surrender within a period of four weeks from the date of receipt of this order and make prayer for regular bail which shall be considered and disposed off by the Court below in accordance with law preferably on same day after taking into consideration the observation of this Hon'ble Court reported in **2004(3) PLJR 491 ( Mahendra Prasad Singh vs. State of Bihar)** wherein the Hon'ble Court has held that once the accused who is already on police bail shall not be denied such privilege unless there is any allegations of misuse etc.

(Sanjay Priya, J)

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