

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5374 of 2018

Arising Out of PS. Case No.-44 Year-2016 Thana- DHAKA District- East Champaran

-
1. Ashraf Ansari @ Asrat Ansari,
 2. Ashif Ansari Both Sons of Late Kitabul Ansari, R/o Village-
Yadipur, Bakhari (Tola Tetri), P.S.- Dhaka, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. SRI MRITUNJAY KUMAR NIRALA

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 14-03-2018 Heard learned counsel for the petitioners, learned APP for

the State as well as learned counsel appearing on behalf of the

informant.

Petitioners are apprehending their arrest in connection with
Dhaka P.S. Case No.44 of 2016 (G.R. No.151 of 2016),
registered under Sections 147, 148, 149, 447, 506, 323, 324, 307
and 379 of the Indian Penal Code.

This is an anticipatory bail petition filed for the second
time by the petitioners. Earlier it was rejected by order dated
10.07.2017 passed in Cr. Misc. No.30507 of 2017.

Learned counsel for the petitioners submits that during the
period of investigation, the petitioners were on police bail and
finally the police submitted charge-sheet under bailable sections



but disagreeing with the police report, the learned Magistrate has taken cognizance under Section 307 of the Indian Penal Code.

Learned counsel for the informant submits that this fact was suppressed from the Court while moving the earlier anticipatory bail petition that the petitioners were on police bail.

Since the petitioners were already on police bail, therefore, anticipatory bail petition is not maintainable.

Accordingly, the prayer of bail of the petitioners is rejected in connection with Dhaka P.S. Case No.44 of 2016, pending in the court of learned SDJM, Sikrahna, Dhaka, East Champaran, Motihari.

The petitioners are directed to surrender and seek regular bail and the same shall be disposed of considering the merit of the case without being prejudiced by this order.

(Arun Kumar, J)

S.KUMAR/-

U		T	
---	--	---	--

