

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40808 of 2017

Arising Out of PS.Case No. -135 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jahir Ansari, son of Ijrail Ansari,
 2. Mazrul Ansari,
 3. Nathu Ansari, both sons of late Noor Mohammad Ansari,
 4. Mumtaz Ansari @ Murtuza Ansari,
 5. Mustufa Ansari, both sons of Mazrul Ansari,
 6. Allaudin Ansari, son of Nathu Ansari, all resident of village-Jolgawa,
P.S.-Jitna, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

Mr. Md. Anis Akhtar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 02-01-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **Ghorasahan (Jitna) P.S. Case No.135 of 2016** instituted for the offence under Section(s) 307 and other allied sections of Indian Penal Code and Section 27 of the Arms Act.

It is mentioned in the impugned order that petitioners were earlier granted bail by the police as the case was registered under the bailable offence. Thereafter, subsequent to the filing of the charge-sheet, learned Chief Judicial Magistrate took cognizance also under Section 307 Indian Penal Code



besides other sections of the Penal Code.

In view of such, this application is disposed off with direction to the petitioners to surrender before the **Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran**, in connection with **Ghorasahan (Jitna) P.S. Case No.135 of 2016** within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed off by the learned Court below in accordance with law in terms of the decision of the Hon'ble Court in the case of *Mahendra Prasad Singh vs. State of Bihar* reported in *2004 (3) PLJR 491*, wherein, it has been held that the accused will not be denied bail if he is released on police bail unless there is any allegation of misuse etc.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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