

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62657 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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1. Nurain Ahmad, Son of Late Md. Murtuja Ahmad @ Late Md. Murtuja,
2. Wasim Akhtar, Son of Nurain Ahmad, Both residents of Village-
Quraishi Mohalla, Sikta, Police Station- Sikta, District- West Champaran at
Bettiah.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-01-2018

At the outset, the learned counsel for the petitioners submit that in view of the fact that the petitioners have already been released on bail by the police in the present case which has been lodged for non-bailable offence, the application for anticipatory bail may not be maintainable however, this case may be disposed of in the light of the judgment rendered in the case of *Mahendra Prasad Singh vs. State of Bihar reported in 2004 (Vol 3) PLJR 491*. It is further submitted that as far as the petitioner no. 1 is concerned, he has died hence, the petition has become infructuous as against him.

It is directed that the petitioner should appear before the learned trial court within four weeks and the learned



court below shall consider his surrender-cum-regular bail application in accordance with law and dispose of the same on the same day in view of the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegation of misuse etc. against him/her.

The petition is accordingly, disposed of.

(Mohit Kumar Shah, J.)

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