

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60389 of 2018

Arising Out of PS.Case No. -148 Year- 2013 Thana -BELDOUR District- KHAGARIA

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Md. Wakil, Son of Md. Muslim, resident of Village- Dighaun, P.S.-
Beldaur, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ram Sumiran Rai

For the Opposite Party : Mr. Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Beldaur P.S. Case No. 148 of 2013 registered for the offences
punishable under Sections 147, 149, 342, 323, 324 and 307 of the
Indian Penal Code.

It would appear from perusal of impugned order that
police after due investigation submitted charge-sheet against the
petitioner and others for the offences punishable under Sections
147, 149, 342, 323 of the Indian Penal Code but learned court
below took cognizance for the offences punishable under Sections
147, 149, 342, 323 and 307 of the Indian Penal Code. However,
the impugned order goes to show that in course of investigation,



petitioner was released on police bail and subsequently, after submission of charge-sheet under bailable offences, the learned court below took cognizance for non bailable offences. However, it is well settled principle of law that once bail is granted, the same is deemed to be granted forever, if not cancelled in accordance with law and, therefore, in the aforesaid circumstance, in my view, this petition is not maintainable and accordingly, this petition stands disposed of giving direction to petitioner to appear before the court below within six weeks and if petitioner surrenders before the concerned court within the above stated period of six weeks, the concerned court shall pass appropriate order on the prayer of the petitioner keeping in mind the principle as laid down by a Bench of this Court in **Mahendra Prasad Singh Vs. State of Bihar reported in 2004(3) PLJR, 491.**

In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

SHAHZAD/Abhijeet-

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