

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68511 of 2018

Arising Out of PS. Case No.-273 Year-2017 Thana- HARSIDHI District- East Champaran

1. Chunnu Singh, S/o-Late Girja Singh
2. Kiran Devi, W/o-Chunnu Singh
3. Mukesh Sah, S/o-Mansha Sah

All are Resident of Village-Pakariya, P.S.-Harsidhi, District-
East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Harsidhi P.S. Case No. 273 of 2017 registered for the offences
punishable under Sections 341, 447, 323, 307, 324, 504/34 of
the Indian Penal Code.

It is an admitted position that case was lodged under
bailable sections and taking note of the aforesaid fact, the
learned Chief Judicial Magistrate, Motihari vide order dated



18.07.2017 released the petitioners on bail but subsequently, police after investigation submitted charge sheet for the offences punishable under Sections 341, 323, 307, 324/34 of the I.P.C.

The petitioners apprehend their arrest after submission of charge sheet for non bailable offences but in my view, when the petitioners have already been released on bail by the learned Chief Judicial Magistrate, Motihari, this anticipatory bail petition is not maintainable.

However, in course of hearing, learned counsel appearing for the petitioners referred the decision of **Sheochandra Singh and Ors. vs. State** reported in 2007(4) BBCJ Page V-66 wherein it has been held by a co-ordinate Bench of this court that the anticipatory bail application is not maintainable on behalf of the persons who have been allowed police bail or bail by a Magistrate but if a person already on bail surrenders before the concerned court, his privilege of bail shall not be denied unless there is allegation of misuse.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands dismissed being not maintainable.

However, petitioners should surrender before the concerned court within six weeks and if they do so and make



prayer before the trial court to permit them to remain on previous bail, the concerned court shall pass appropriate order in accordance with law.

(Hemant Kumar Srivastava, J)

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