

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10962 of 2019

Arising Out of PS. Case No.-43 Year-2017 Thana- MAHILA P.S. District- Nalanda

NITISH JAMADAR S/o Vijay Bind @ Vijay Jamadar resident of village-
Parasi P.S. Bena, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phula Devi W/o Nitish Jamadar D/o Shri Bind resident of village-Parasi P.S.
Bena District Nalanda at present resident of village and P.S. Bind District
Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 13-08-2019 The petitioner apprehends his arrest in connection with

Mahila P.S.Case No. 43 of 2017 registered under Sections 323,

341, 494, 498A, 504 and 506/34 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that
marriage of the informant was solemnised with the petitioner on
17.05.2010 and after marriage, petitioner along with others
demanded dowry of a sum of Rs. One lac, but anyhow father of
the informant gave Rs. 25,000/- to her father-in-law and to pay
rest amount of Rs. 75,000/-, father of the informant took some
time. But due to non-fulfillment of the same, informant was
being tortured psychically and mentally by the petitioner and
others.

Learned counsel for the petitioner submits that petitioner



was granted bail by the police.

In view of submission made by the petitioner and the law laid down by this Court in case of *Mahendra Prasad Singh vs. The State of Bihar* reported in 2004(3)PLJR 491 and of; *Ram Vilas Singh vs. The State of Bihar* reported in 2008(3) PLJR 253, the present anticipatory bail application is not maintainable inasmuch as this Court has held that when the case is initially for non-bailable offences wherein the accused is taken into custody and then is released on bail by the police, his application for anticipatory bail, on the ground that he has an apprehension of arrest in the case, cannot be held to be maintainable. The petitioner must honour the terms of the police bail and appear before the court without any delay. As such in case, the petitioner appears before the court below within six weeks then the court below shall consider his prayer for bail keeping in view 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.

Accordingly, this application is disposed of.

(Anil Kumar Sinha, J)

sujit/-

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