

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13563 of 2019**

Arising Out of PS. Case No.-466 Year-2017 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Keshri Amarjeet Kumar @ Keshri Amarjeet Kumar Singh @ Keshri Amarjeet Singh, son of Hiralal Singh Resident of Village - Mani Phoolkaha, P.S.- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Divya Wife of Keshri Amarjeet Kumar Singh D/o - Vinay Kumar Singh, Resident of Village - Bichali Panchadohi, P.O- Majhauri Pachadahi, P.S.- Sakra, Dist- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 08-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Kanti P.S. Case No.466 of 2017 for the offence punishable under Sections 307, 324, 323, 498(A), 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The allegation against the petitioner is that the marriage of the petitioner has taken place with opposite Party No.2 five months prior to lodging of the First Information Report. After the marriage, the petitioner assaulted and demanded dowry from his wife, i.e., Opposite Party No.2 and also inflicted knife blow upon her.

Learned counsel for the petitioner submits that petitioner



was granted police bail by Kanti Police as would be evident from Annexure '2'.

In view of the law laid down by this Court in **Mahendra Prasad Singh Vs. State of Bihar** reported in **2004 (3) PLJR 491** and **2008 (3) PLJR 253 Ram Bilas Singh Vs. State of Bihar**, the anticipatory bail is not maintainable inasmuch as 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, an application for anticipatory bail on the ground that he has an apprehension of arrest in the case cannot be held to be maintainable. Accordingly, the petitioner must honour the terms of police bail and appear before the Court without any delay and 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. .

This application is disposed of accordingly.

(Anil Kumar Sinha, J)

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