

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17691 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- BACHHWARA RAIL P.S. District-
Begusarai

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RAJA RAM Son of Late Ishwar Das R/o village- Bakhri Bazar, P.S.- Bakhri,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bachhwara Rail Police Station Case No. 04 of 2018,
disclosing offences under Sections 379 and 411 of the Indian
Penal Code.

The allegation against the petitioner is that while the
informant was travelling in the train, and after getting down,
along with his luggage, he discovered that his bag was missing.
The informant thereafter believed that between Barauni and
Bachhwara, his articles kept in the bag must have been stolen.
The Police, subsequently, on the basis of the CDR of the theft
mobile, has included the name of the petitioner.



Learned Counsel for the petitioner submits that the petitioner is innocent and he had purchased the mobile from some other person and he is about 66 years of age and is a retired Government servant.

Learned Counsel for the petitioner further submits that taking into account the above fact, the Police has granted bail to the petitioner and the petitioner is at present on police bail.

After having heard learned Counsel for the parties and taking into consideration the law laid down by this Court, in the cases of **Mahendra Prasad Singh v. The State of Bihar**, reported in **2004 (3) PLJR 491** and **Ram Vilas Singh v. The State of Bihar**, reported in **2008 (3) PLJR 253**, this application, for anticipatory bail, is not maintainable inasmuch as this Court has held that since the case was initially for non-bailable offences wherein the petitioner was taken into custody and then released on bail by the police, an application for anticipatory bail on the ground that he has an apprehension of arrest in the same case cannot be held to be maintainable and petitioner must honour the terms of police bail and appear before the Court without any delay.

Accordingly, this application is disposed of with the



direction that the petitioner shall appear before the Court below within a period of five weeks, the Court below shall consider his prayer for bail in accordance with law 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 allegations of misuse of the same.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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