

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19869 of 2019

Arising Out of PS. Case No.-682 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. JAIRAM MUKHIYA Son of Late Bangali MUKhiya, Resident of Village-
Aygari Nayka Tola, P.S.- Banjariya Distt- East Champaran.
 2. Sunil Mukhiya @ Sunil Kumar, son of Jairam Mukhiya, Resident of Village-
Aygari Nayka Tola, P.S.- Banjariya Dist- East Champaran.
 3. Anil Mukhiya @ Anil Kumar, Son of Jairam Mukhiya, Resident of Village-
Aygari Nayka Tola, P.S.- Banjariya Dist- East Champaran.
 4. Dhanwanti Kumari, Daughter of Jairam Mukhiya, Resident of Village-
Aygari Nayka Tola, P.S.- Banjariya Dist- East Champaran.
 5. Shail Devi, Wife of Sunil Kumar @ Sunil Mukhiya, Resident of Village-
Aygari Nayka Tola, P.S.- Banjariya Dist- East Champaran.
 6. Sanjhari Devi, Wife of Jairam MUKhiya, Resident of Village- Aygari Nayka
Tola, P.S.- Banjariya Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prem Sheela Pandey
For the Opposite Party/s	:	Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Turkauliya (Banjariya) Police Station Case No. 682 of
2018, disclosing offences under Sections 341/323/504/506/307/
379/34 of the Indian Penal Code.

Learned Counsel for the petitioners submits that the
petitioners are 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 petitioners shall appear before the Court below within a period of six weeks, the Court below shall consider their 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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