

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21509 of 2019

Arising Out of PS. Case No.-362 Year-2016 Thana- BELHAR District- Banka

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1. Savitri Devi @ Savitrai Devi, Wife of Nandlal Pandit,
 2. Nandlal Pandit, Son of Bhuneshwar Pandit,
Both resident of Village- Tengra, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in Belhar
P.S. Case No. 362 of 2016 registered for the offences punishable
under Sections 341, 323, 325, 307, 504/34 of the Indian Penal
Code.

It appears that initially the case was registered under
Section 341, 323, 504/34 of the Indian Penal Code and the
petitioners were allowed bail by the learned court below on
02.02.2017 and 07.02.2017 respectively. However the police
submitted charge-sheet under Section 307 of the Indian Penal
Code. Hence, the petitioners apprehend their arrest in the event
of surrender.



If the petitioners are already on bail in this case and they have not misused the privilege of bail, there is no question to apprehend only for submission of charge-sheet under Section 307 of the Indian Penal Code.

The court below shall consider the prayer of the petitioners in the event of surrender in the light of the judgment of this Court in the case of Mahendra Prasad Singh vs. The State of Bihar reported in 2004 (3) PLJR 491.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

Banti/Rajan

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