

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1504 of 2019

Arising Out of PS. Case No.-264 Year-2015 Thana- ATHMALGOLA District- Patna

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1. CHANDAN MISHRA Son of Baban Mishra Resident of Kalyanpur, P.S.- Athmalgola, District- Patna.
 2. Babloo Mishra Son of Baban Mishra Resident of Kalyanpur, P.S.- Athmalgola, District- Patna.
 3. Sambhu Mishra Son of Baban Mishra Resident of Kalyanpur, P.S.- Athmalgola, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Pandey
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 27-06-2019 Heard learned counsel for the appellants and the learned Spl. P.P. for the State.

It is submitted by learned counsel for the appellants that the appellants are on police bail.

It is settled principle of law that once the appellants have been granted bail either by the police or by the Court, the petition under Section 438 Cr.P.C. on behalf of the appellants is not maintainable.

In that view of the matter, the present appeal is dismissed with a direction to the appellants to surrender before the learned Court below within six weeks from today and seek



regular bail and the learned court below shall dispose of the bail petition of the appellants on the very date of the surrender of the appellants in accordance with law without being prejudiced by this order.

It goes without saying that the appellants shall be granted the benefit of the judgment of this Court rendered in the case of **Mahendra Prasad Singh Vs. The State of Bihar reported in 2004 (3) PLJR 491** and particularly para-5 of the judgment.

(Prakash Chandra Jaiswal, J)

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