

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25556 of 2019

Arising Out of PS. Case No.-213 Year-2015 Thana- PALASI District- Araria

1. Sulaiman @ Ibrahim @ Md. Suleman @ Sullamen Ibrahim S/o Hazi Md. Ibrahim Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
2. Md. Tabrez Son of Hazi Md. Ibrahim Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
3. Md. Hasim Son of Late Md. Sariuddin @ Sariuddin Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
4. Md. Shahid @ Shahid Alam @ Md. Shahid Alam Son of Md. Abdul Razaque @ Abdur Razaque Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
5. Md. Abdul Razaque @ Abdur Razaque Son of Late Rasool Bakhs Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
6. Noman Akhtar Alam @ Md. Mofti Noman Son of Hazi Md. Ibrahim Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
7. Md. Subhan @ Chotu Miyan @ Abdur Subhan Son of Hazi Md. Ibrahim Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
8. Md. Ilyas Son of Late Md. Sariuddin @ Sariuddin Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
9. Bibi Nazma Khatoon W/o Md. Ilyas Resident of Village- Dhangama, P.S.- Palasi, District- Araria.
10. Hazi Md. Ibrahim Son of Late Md. Sariuddin @ Sariuddin Resident of Village- Dhangama, P.S.- Palasi, District- Araria.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Petitioners apprehend their arrest in Palasi P.S. Case No.213 of 2015 registered under Section 147, 148, 149, 341, 323, 324, 307 & 504 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners



that earlier the petitioners were on police bail but, subsequently, on supervision the higher police officials finding the case true under Section 307 IPC directed the police personnel to cancel the bail of the petitioner. Hence, there is apprehension of arrest of the petitioner.

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

In that view of the matter, the present application is rejected with a direction to the petitioners to surrender before the learned Court below within six weeks from today and seek regular bail and the learned lower Court would consider the same without being prejudiced by this order.

It goes without saying that the petitioners 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)

Trivedi/-

U			
---	--	--	--

