

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26425 of 2019

Arising Out of PS. Case No.-460 Year-2015 Thana- NARPATGANJ District- Araria

1. MAHENDRA MEHTA Son of Late Bhagwat Mehta
 2. Devnarayan Mehta @ Deblu Mehta Son of Late Bhagwat Mehta
 3. Yoganand Mehta Son of Late Bhagwat Mehta
 4. Dharaj Kumar Mehta @ Dhiraj Mehta Son of Mahendra Mehta
 5. Arbind Kumar Mehta @ Arbind Kumar Son of Devnarayan Mehta
 6. Dipak Kumar Mehta Son of Devnarayan Mehta
 7. Surendra Mehta Son of Ghotan Lal Mehta
 8. Chandan Mehta Son of Ghotan Lal Mehta
- Petitioner No.1 to 6 residents of village Pathavdeva P.S. Narpatganj, District Araria.
Petitioner No.7 and 8 are residents of Village - Chakarwa, P.S.- Narpatganj (Bathnaha), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-04-2019 Heard both sides.

The petitioners apprehend their arrest in Narpatganj(Bathnaha) P.S. Case No.460 of 2015 registered under Sections 147, 149, 341, 323, 324, 325, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that during the course of investigation, the petitioners were on police bail but after completion of the investigation, police submitted



chargesheet and later on, the Court took cognizance under Section 307 and other Sections of the I.P.C. The petitioners filed this anticipatory bail petition after order of taking cognizance.

In view of the law laid down by this Court in the case of Bishundeo Sahu v. The State of Bihar & Ors., 2011(1)PLJR 731 and in the case of Mahendra Prasad Singh v. The State of Bihar, 2004(3) PLJR 491, once an accused is on police bail during the course of investigation even after submission of chargesheet, the anticipatory bail is not maintainable. Such accused shall be deemed to be on police bail even after submission of chargesheet till it is cancelled in accordance with law.

In this view of the fact, this anticipatory bail petition is not maintainable. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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