

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.34124 of 2019**

Arising Out of PS. Case No.-388 Year-2015 Thana- DALSINGHSARAI District- Samastipur

1. SUKHDEO MAHTO Son of Late Abadh Mahto Resident of Village-Ajnaul Dih, P.S.-Dalsing Sarai, District-Samastipur.
2. Usha Devi Wife of Sukhdeo Mahto Resident of Village-Ajnaul Dih, P.S.-Dalsing Sarai, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR..... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Sinha  
For the Opposite Party/s : Mr.Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

**ORAL ORDER**

2      13-08-2019                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dalsinghsarai P.S. Case No. 388 of 2015, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 384/34 of the Indian Penal Code.

F.I.R against the petitioners and other accused persons has been lodged under Section 341, 323, 324, 307, 504 and 384/34 of the I.P.C. Petitioners and other accused persons were granted police bail in the aforesaid case. Subsequently, police submitted charge-sheet against the petitioners and other accused persons under Section 341, 323, 385 and 504 I.P.C. Thereafter, the learned lower Court took cognizance of the offence under Section 341, 323, 385, 307 and 504/34 of the I.P.C. and process was issued against the petitioners but they did not turn up before



the learned lower Court. Hence, their bail bonds were cancelled by the learned lower Court.

As the bail bond of the petitioners have been cancelled due to their non-appearance before the learned lower Court, the petitioners ought to have filed the petition before the learned lower court to seek regular bail instead of approaching this Court and prayer for anticipatory bail is not maintainable. According bail prayer of the petitioners is hereby rejected.

However, the petitioners are directed to surrender before the learned Court below and seek regular bail and the learned Court below is directed to pass order in accordance with law without being prejudiced by this order on the very date of surrender by the petitioners.

Accordingly, the present application is disposed of.

**(Prakash Chandra Jaiswal, J)**

T.Kr./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

