

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35724 of 2019

Arising Out of PS. Case No.-60 Year-2009 Thana- NARDIGANJ District- Nawada

1. ASHOK YADAV Son of Shital Yadav
2. Shital Yadav Son of Late Dilchand Yadav
3. Pradeep Yadav Son of Lekha Yadav all Resident of Village- Miyabigha, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 447, 307, 379 and 504 of the Indian Penal Code in connection with Nardiganj P.S. Case No. 60 of 2009 pending before the learned Judicial Magistrate, 1st Class, Nawada.

Learned counsel for the petitioners has submitted that these petitioners were granted bail by the police as the police found the case true under bailable offences but now the learned C.J.M. Nawada took cognizance against these petitioners under sections 307, 341, 447, 504/34 I.P.C. on 20.11.2009 and in this



case summons has been issued on 02.08.2013 and the summons has been received by one of the petitioner Shital Yadav who is an illiterate person, due to which these petitioners could not surrender in the court below as a result process under Section 82 Cr.P.C. issued against the petitioners and as such petitioners have not misused the privilege of bail granted by the police.

In my opinion, the learned court below has issued 82 Cr.P.C. against the petitioners, therefore, the anticipatory bail is not maintainable.

Accordingly, the application is dismissed and not maintainable.

However, petitioners are directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition of the petitioner on the same day without prejudice of this order.

(Anjani Kumar Sharan, J)

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