

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52369 of 2019

Arising Out of PS. Case No.-95 Year-2017 Thana- SISWAN District- Siwan

1. SANJIT MAHTO Son of Prabhu Mahto Resident of Village - Nagai, P.S.- Chainpur O.P., District- Siwan
2. Ravi Mahto Son of Prabhu Mahto Resident of Village - Nagai, P.S.- Chainpur O.P., District- Siwan
3. Vijay Mahto Son of Naresh Mahto Resident of Village - Nagai, P.S.- Chainpur O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-09-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Siswan (Chainpur O.P.) Police Station Case No. 95 of 2017, disclosing offences under Sections 147/148/323/308/379/504/506 of the Indian Penal Code.

At the outset, learned Counsel for the petitioners submits that the Police has granted bail to the petitioners and the petitioners are at present on police bail.

After having heard learned Counsel for the parties and taking into consideration the law laid down by this Court, in the



cases of **Mahendra Prasad Singh v. The State of Bihar**, reported in **2004 (3) PLJR 491** and **Ram Vilas Singh v. The State of Bihar**, reported in **2008 (3) PLJR 253**, this application, for anticipatory bail, is not maintainable inasmuch as this Court has held that since the case was initially for non-bailable offences wherein the petitioner was taken into custody and then released on bail by the police, an application for anticipatory bail on the ground that he has an apprehension of arrest in the same case cannot be held to be maintainable and petitioner must honour the terms of police bail and appear before the Court without any delay.

Accordingly, this application is disposed of with the direction that the petitioners shall appear before the Court below within a period of six weeks and the Court below shall consider his prayer for bail in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegations of misuse of the same.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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