

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50819 of 2019

Arising Out of PS. Case No.-120 Year-2008 Thana- CHAND District- Kaimur (Bhabua)

1. DHANUSHDHARI PANDEY Son of Chhakauri Pandey
2. Santosh Pandey @ Santosh Kumar Pandey Son of Dhanushdhari Pandey
3. Chandrabari Pandey @ Chandravarti Pandey Son of Late Shiv Murat Pandey
All resident of Village-Kudhnu, P.S.-Chand, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-08-2019 Heard both sides.

The petitioners apprehend their arrest in Chand P.S.
Case No.120 of 2008 registered under Sections 341, 323, 504,
307 and 34 of the Indian Penal Code and under Section 27 of
the Arms Act.

Mr. Bikramdeo Singh, the learned counsel for the
petitioners submits that police during the course of investigation
found the case true only under Section 341, 323, 504 and 34 of
the Indian Penal Code and granted bail to the petitioner but after
submission of report under Section 173 of the Cr.P.C., learned
Judicial Magistrate took cognizance under Section 307 I.P.C.
also and that is why the petitioner filed this anticipatory bail



petition but if the petitioners are granted bail by the police, he shall be deemed to be on bail even after taking cognizance under non-bailable Sections such as 307 of the Indian Penal Code. The petitioners shall be deemed to be on bail unless the bail bond of the petitioners is cancelled in accordance with law after taking cognizance but this anticipatory bail is not maintainable. Accordingly, this petition is dismissed as not maintainable.

(Prabhat Kumar Jha, J)

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