

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48377 of 2019

Arising Out of PS. Case No.-247 Year-2018 Thana- RAMGARH District- Kaimur (Bhabua)

1. Sheo Pujan Gosain @ Sheo Pujan Giri Son of Late Kailash Gosain @ Kailash Giri Resident of Village- Oriyadih, P.O. and P.S.- Ramgarh, District- Kaimur.
2. Aditya Gosain @ Aditya Giri Son of Late Kailsah Gosain @ Kailash Giri Resident of Village- Oriyadih, P.O. and P.S.- Ramgarh, District- Kaimur.
3. Nagendra Gosain @ Nagendra Giri Son of Late Kailash Gosain @ Kailsah Giri Resident of Village- Oriyadih, P.O. and P.S.- Ramgarh, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Ramgarh P.S. Case No.247 of 2018 for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

Petitioners are on police bail as per the statement made in para 7 of this application.

In view of the law laid down by this Court in **Mahendra Prasad Singh Vs. State of Bihar reported in 2004 (3) PLJR 491** and **2008 (3) PLJR 253 Ram Bilas Singh Vs. State of Bihar**, the application for anticipatory bail is not



maintainable inasmuch as when the case is initially for non-bailable offences wherein the accused is taken into custody and then is released on bail by the police, an application for anticipatory bail on the ground that he has an apprehension of arrest in the case cannot be held to be maintainable.

Accordingly, the petitioners must honour the terms of police bail and appear before the Court without any delay and in case, the petitioners appear before the Court below within six weeks, then the Court below shall consider their prayer for bail, 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 allegation of misuse, etc.

This application is disposed of accordingly.

(Anil Kumar Sinha, J)

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