

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56571 of 2019

Arising Out of PS. Case No.-190 Year-2018 Thana- HATHUA District- Gopalganj

MANOJ SAH @ MANOJ KUMAR SAH @ MANOJ KUMAR Son of
Bhrigunath Sah @ Bhirgun Sah Resident of Village- Manichapar, P.S.-
Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Hathua Police Station Case No. 190 of 2018, disclosing offences under Sections 341, 323, 354, 354-B, 504, 506 and 509 of the Indian Penal Code.

At the outset, learned Counsel for the petitioner submits that the Police has granted bail to the petitioner and the petitioner is 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 petitioner 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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