

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57688 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- GHORASAHAN District- East Champaran

1. Dhruv Yadav @ Dhruv Rai Son of Jaylal Rai
2. Shiv Mangal Rai Son of Dharikshan Rai
Both are residents of Village- Gurmiya (Khas Tola), P.S.- Ghorasahan,
District- East Champaran.
3. Umesh Rai @ Umesh Yadav Son of Biltu Rai Resident of Village- Mahuahi
Murshidabad, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection
with Ghorasahan P.S. Case No. 04 of 2019 (Tr. No. 3253 of
2019), registered under Sections 147, 148, 149, 341, 323, 324,
325, 307, 379, 504 and 506 of the Indian Penal Code.

The allegation against the petitioners is that
petitioners along with other accused persons assaulted the
informant with *lathi*, *danda* and iron rod indiscriminately.

Learned counsel for the petitioners submits that
during course of the investigation petitioners were granted bail



by the police and petitioners had submitted bond before the police.

Heard learned counsel for the parties, in view of the submission made by learned counsel for the petitioners that petitioners were granted bail by the police earlier and in view of law laid down by this Court in the case of *Mahendra Prasad Singh Vs. State of Bihar*, reported in *2004 (3) PLJR 491* and *Ram Vilas Singh Vs. The State of Bihar*, reported in *2008 (3) PLJR 253*, it is evident that the application for anticipatory bail is not maintainable as the facts of the case are the same as the facts of the said case. In the said case, this court has held that 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. The petitioner must honour the terms of the police bail. Accordingly, this application is disposed of with the direction that if the petitioners surrender before the court below within four weeks from today then 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 police bail, shall not be denied such privilege, unless there is



any allegation of misuse, etc. as laid down in the case of
Mahendra Prasad Singh (supra).

This application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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