

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57230 of 2019**

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

Mukesh Pandey, Son of Late Vindhyachal Pandey, Resident of Village-
Kudhnu, P.S.- Chand, District- Kaimur at 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.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 11-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Chand P.S. Case No.120 of 2008 for the offence punishable
under Sections 341, 323, 504, 307/34 of the Indian Penal Code.

The allegation against the petitioner is that petitioner
and other persons assaulted the informant by means of fire arm.

Learned counsel appearing for the petitioner submits
that no fire arm injury was found during investigation, however,
police during course of investigation has granted bail to the
petitioner and others.

Taking into consideration the submissions made by
learned counsel for the petitioner and 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.

The 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 to the petitioner to appear before the Court below within five weeks, then the Court below shall consider his 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.

Accordingly, this petition stands disposed of.

(Anil Kumar Sinha, J)

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