

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78351 of 2019

Arising Out of PS. Case No.-82 Year-2015 Thana- JALE District- Darbhanga

1. DEEPAK MAHTO @ DEEPAK KUMAR MAHTO Son of Dinesh Mahto Resident of Village-Jalley West Bari Tola, P.S.-Jalley, District-Darbhangha.
2. Dinesh Mahto Son of Jogendra Mahto Resident of Village-Jalley West Bari Tola, P.S.-Jalley, District-Darbhangha.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners in the present case are seeking anticipatory bail in connection with Jalley P. S. Case No. 82 of 2015 registered for the offences punishable under Sections 376/511/341/323/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that during investigation allegation under Section 376/511 IPC has been disbelieved and the Police has submitted chargesheet under Sections 341, 323, 354, 504 of the Indian Penal Code. It is further submitted that during investigation the petitioners were granted benefit of Section 41(1) of the Cr.P.C.

Learned APP has opposed the prayer of anticipatory bail of the petitioners.



Considering the facts and circumstances of the case wherein it appears from the records that initially the case was registered in the year 2015 under Sections 376/511/341/323/34 of the Indian Penal Code but after investigation the Police submitted chargesheet against these petitioners under Sections 341, 323, 354, 504/34 IPC and it is the contention of learned counsel for the petitioners that both the petitioners had been granted privilege of Police Bail under Section 41(1) of the Cr.P.C., the case being that of the year 2015 and cognizance has already been taken, this Court is not entertaining the anticipatory bail application at this stage but granting liberty to the petitioners to surrender in the court below within a period of four weeks from today and this Court directs that in case the petitioners surrender within the aforesaid period and satisfy the learned Magistrate that they have co-operated in course of investigation and had been granted Police Bail, their prayer of regular bail shall be considered on the same day and will be decided on the basis of the materials available on the record.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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