

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84200 of 2019

Arising Out of PS. Case No.-174 Year-2018 Thana- BELAGANJ District- Gaya

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1. BARHAN DEVI, Wife of Late Sarju Yadav, Resident of Village - Yogiya Simra, P.S.- Belaganj, District - Gaya.
 2. Shobha Devi, Wife of Ramesh Yadav, Resident of Village - Yogiya Simra, P.S.- Belaganj, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Adv.
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard.

The petitioners are apprehending arrest in Belaganj P.S. Case No.174 of 2018, registered for the offences punishable under Sections 341, 323, 325, 334 and 308/34 of the I.P.C., pending before the learned ACJM-XI, Gaya.

It is alleged that on 23.06.2018, at 7.00 P.M., all the FIR named accused persons, including the petitioners, assaulted the informant, as a result, he became unconscious.

It is submitted by learned counsel for the petitioners that initially the petitioners were on police bail, but on conclusion of investigation, the petitioners have been chargesheeted.



In that circumstance, the anticipatory bail application is not maintainable.

Let the learned Court below consider the prayer for bail of the petitioners on surrender in view of the ratio laid down in the case of *Mahendra Prasad Singh versus The State of Bihar* reported in 2004(3) PLJR 491.

However, it is made clear that in such circumstances, the bail can only be denied, in case of misuse of privilege of earlier bail.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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