

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11741 of 2020

Arising Out of PS. Case No.-119 Year-2017 Thana- PIPRA District- Supaul

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1. Bhupendra Yadav S/o Late Ram Prasad Yadav Resident of Village- Rampur,
P.S.- Pipra, Distt- Supaul
 2. Vijendra Yadav S/o Late Ram Prasad Yadav Resident of Village- Rampur,
P.S.- Pipra, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-06-2020 Heard learned counsel for the petitioners and learned
counsel for the State through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Pipra P.S. Case no. 119 of 2017 registered under sections 341, 323, 354(B), 447, 379, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that while his wife had gone to dispose off cow dung, the two petitioners herein misbehaved with her and also abused her stating as to how she has disposed off the cow dung in their land. It is further stated that on the informant hearing her cry, when he reached there, he too was assaulted. Further allegation of assault and of taking away the gold chain from his wife has been levelled against the accused persons.

It is submitted by learned counsel for the petitioners that during investigation, the petitioners had been granted police bail on 30.8.2017. It is further submitted that from perusal of the FIR it would clearly be evident that the informant was not an eye-witness to the first part of the occurrence and so far as the second part is concerned, it was a clear exaggeration. It is



submitted that while the occurrence is stated to have taken place on 25.6.2017, the FIR was registered on 29.6.2017 without there being any explanation for the delay. The petitioners have no criminal antecedent.

The application for bail is opposed by learned Additional PP for the State.

Having heard learned counsel for the parties it transpires that the petitioners had been granted police bail on 30.8.2017. In the case of Mahendra Prasad Singh v. State of Bihar reported in 2004(3) PLJR 491, this Court has held that once the petitioner was taken into custody and then released on bail by the police then 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.

Having heard learned counsel for the parties, the instant application for anticipatory bail is held to be not maintainable and is disposed off in terms of the directions and observations contained in judgment of this Court in the case of Mahendra Prasad Singh (supra) and it is directed that the petitioners herein shall surrender before the Court below within eight weeks and the Court below shall consider their 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 an allegation of misuse etc.

With the above observation, the instant application stands disposed off.

(Partha Sarthy, J)

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