

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27523 of 2020**

Arising Out of PS. Case No.-151 Year-2015 Thana- SIKANDRA District- Jamui

1. RAJ KUMAR SINGH Son of Sri Rarjun Singh Resident of Village- Rampur Ghosh, P.S.- Sikandra, District- Jamui.
2. Pintu Kumar Singh @ Prabhakar Kumar Singh Son of Sri Rajdeo Singh Resident of Village- Mahadeo Simariya, P.S.- Sikandara, District- Jamui.
3. Rishuraj Singh @ Bhupendra Kumar Son of Late Lakshman Singh Resident of Village- Ranhan, P.S.- Sikandra, District- Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, No.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-11-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ashok Kumar Singh No.1, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Sikandra P.S. Case No. 151 of 2015 registered for the offences punishable under Sections 147/149/353/188/337/504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegations against the petitioners is that they were involved in



blocking of Sikandra – Jamui road in the morning on 01.11.2015 together with 100-150 unknown persons.

Learned counsel for the petitioners submits that in course of investigation petitioners were taken in police custody but later on they were released on police bail. In this regard learned counsel has pointed out from the order dated 18.01.2016 passed by learned A.C.J.M. Jamui (Annexure ‘2’) that even the learned A.C.J.M. has noticed that all the accused persons are on police bail. Learned counsel submits that although the summon was ordered to be issued on 18.01.2016 but in fact from Annexure ‘3’ series it would appear that summons were issued to the petitioners only on 08.07.2019.

Learned counsel further submits that while considering the prayer for anticipatory bail in ABP No. 1846/2019 the learned Sessions Judge, Jamui has wrongly noticed that police had released the accused persons after issuing notice under Section 41 Cr.P.C., in fact it is his submission that the petitioners were released on police bail.

Learned A.P.P. for the State submits that once the petitioners were released on police bail and there is no allegation of misuse of privilege of bail, instead of maintaining an anticipatory bail application, the petitioners should surrender



in the court below and pray for regular bail.

Having heard learned counsel for the petitioners and learned A.P.P. for the State, this Court finds substance in the submission of learned A.P.P. for the State. Once the petitioners were released on police bail, they have no apprehension of arrest and as has been held by the learned coordinate Bench of this Court in the case of **Mahendra Prasad Singh Vs. The State of Bihar** reported in **2004 (3) PLJR 491** which has been followed by this Bench also recently in Cr. Misc. No. 21212/2020, if the petitioners surrender in the court below within a period of four weeks from today and pray for regular bail their prayer for regular bail shall be considered and disposed off on the same day keeping in view the principles laid down by the learned coordinate Bench of this Court in the case of **Mahendra Prasad Singh (supra)**.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

