

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63565 of 2019**

Arising Out of PS. Case No.-152 Year-2018 Thana- ISUAPUR District- Saran

Subhash Mahto @ Satendra Mahto @ Satendra Kumar Son of Late Nandlal Mahto Resident of Village-Bela, P.S-Isuapur, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Pandey

For the State : Mr.Abhay Kumar Roy

For informant : Mr. Kundan Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**

**ORAL ORDER**

4      15-06-2020                      Heard Mr. Arvind Kumar Pandey learned counsel appearing for the petitioner, Mr. Abhay Kumar Roy, learned Additional Public Prosecutor for the State as well as Mr. Kundan Kumar Singh, learned counsel appearing for informant through video conferencing.

Petitioner apprehends his arrest in connection with Isuapur P.S. Case No. 152/2018 registered for the offences punishable under Sections 147, 341, 323, 324, 379, 307, 504 and, later on, added Section 302 of the Indian Penal Code.

Petitioner is named in the first information report but no specific overt act has been attributed against him and it is simply stated that he was a member of an unlawful assembly.

However, learned Additional Public Prosecutor points out that process has already been issued against the petitioner



and, therefore, his petition under Section 438 of the Code of Criminal Procedure is not maintainable.

Considering the facts and circumstances of the case as well as submissions of the parties, particularly, keeping in mind that after due investigation, police submitted chargesheet against the petitioner, I do not think it proper to extend the privilege of anticipatory bail to the petitioner and, accordingly, his anticipatory bail application stands rejected.

However, if the petitioner surrenders and seeks regular bail within four weeks from the date of receipt/production of a copy of this order to the court below, the lower court shall dispose of his bail petition on the date of his surrender and, thereafter, if petitioner files any bail petition before the Sessions Judge, the said bail petition shall be considered by the Sessions Court on its own merit without being prejudiced by this rejection order, particularly, keeping in mind the facts and circumstances of the case as well as allegation levelled against the petitioner.

**(Hemant Kumar Srivastava, J)**

Spd/-

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