

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72768 of 2019

Arising Out of PS. Case No.-274 Year-2014 Thana- SAHPUR District- Bhojpur

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1. MANTU KUMAR SINGH Son of Satyendra Singh
 2. Prem Kumar Singh Son of Satyendra Singh
 3. Vijay Kumar Singh Son of Satyendra Singh
 4. Pramod Singh Son of Sheo Pujan Singh @ Shri Sheo Pujan Singh
 5. Satish Singh @ Satish Kumar Singh Son of Surendra Singh
- All the petitioners i.e. no.1 to 5 are resident of Village - Hariharpur, P.S.-
Shahpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-01-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case
registered for the offence punishable under Sections
147/323/326/308/379 of the Indian Penal Code.

It has been submitted on behalf of the parties that
this case is not maintainable in view of law laid down in
Mahendra Prasad Singh Vs. the State of Bihar since reported in
2004(3) PLJR and same may be disposed of in terms of
aforesaid case.

For better appreciation, paragraph no.4 and 5 of the



aforesaid order is extracted as under:-

“4. On considering the relevant provision in the Code of Criminal Procedures, this Court is of the opinion that had the FIR been only for bailable offences and had the Petitioner been granted benefit of bail by the police for bailable offences only under the provisions of Section 436 of the Code of Criminal Procedure the matter could have stood on different footing. On account of offence being treated as non-bailable at the later stage due to subsequent developments, may be an application for anticipatory bail could have been found maintainable. However, in the present case which is falling for consideration this Court is of the view that since the case was initially for non-bailable offences wherein the Petitioner was taken into custody and then released on bail by the police, 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.

5. In the facts of the case, Petitioner must honour the terms of police bail and appear before the Court without any delay. In case, Petitioner appears before the Court below within six weeks then the Court below shall consider his 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 any allegations of misuse etc. With this observation this application for anticipatory bail is disposed of.”

In view of above, this anticipatory bail petition is also disposed of with a direction to the petitioner to appear before



the Court below within six weeks and thereafter, the Court below shall consider his 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 any allegations of misuse etc.

(S. Kumar, J)

Sanjay/-

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