

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81191 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- KONCH District- Gaya

1. Yogendra Yadav Son of Ram Bilash Yadav Resident of Village - Mithapur, P.S.- Konch, Distt - Gaya.
2. Ram Bilash Yadav Son of Gokul Yadav Resident of Village - Mithapur, P.S.- Konch, Distt - Gaya.
3. Satendra Yadav Son of Ram Bilash Yadav Resident of Village - Mithapur, P.S.- Konch, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under section 307 and other sections of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that it has categorically been stated in paragraph 8 of the petition that the petitioners had been granted privilege of police bail. Subsequently, the charge sheet has been submitted and cognizance has been taken under non-bailable sections of the Indian Penal Code. Counsel for the petitioner relying on the decision of this Court in the case of Mahendra Prasad Singh vs.



State of Bihar reported in 2004(3) PLJR 491 submits that this application may be disposed off in terms of the said judgment.

Learned Additional PP for the State has also been heard.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this application for anticipatory bail is held to be not maintainable. In terms of the decision in case of Mahendra Prasad Singh (supra), the instant application is also disposed off with a direction to the petitioners to honour the terms of the police bail and appear before the Court without any delay preferably within a period of six weeks. In case the petitioners appear before the Court within the aforesaid period, the Court shall consider the prayer for bail of the petitioners in accordance with law keeping in view the principle established in the above case that a person who is already on bail shall not be denied such privilege unless there is any allegation of misuse etc.

With the above observation, this application for anticipatory bail stands disposed off.

(Partha Sarthy, J)

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