

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86321 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- MAHILA District- Munger

-
1. Mukesh Kumar Barnwal @ Mukesh Kr. Burnwal, Son of Kamleshwari Prasad Barnwal @ Karu Modi @ Kamleshwari Pd. Burnwal Residence of Durga Mandir Road, Chandan, Ward no.3, at Chandan, P.S.-Chandan, District-Banka.
 2. Kamleshwari Prasad Barnwal @ Karu Modi @ Kamleshwari Pd. Burnwal, Son of Late Indrajit Pd. Barnwal @ Late Indrajit Modi Residence of Durga Mandir Road, Chandan, Ward no.3, at Chandan, P.S.-Chandan, District-Banka.
 3. Vinod Kumar Barnwal @ Vinod Kr. Burnwal, Son of Late Badri Prasad Barnwal Resident of Village-Sandhali, Rohini Road, P.S.-Jasidih, District-Deoghar (Jharkhand).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bina Devi, Wife of Late Bhagwan Sah Resident of Mohalla-Madhopur, P.S.-Kotwali, District-Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-03-2020 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Mahila P.S. Case No.07 of 2019, registered for the offence punishable under Sections 420, 506, 341 and 34 of the Indian Penal Code.

The allegation against the petitioners as per the first information report is that the marriage of petitioner No.1 was



fixed with daughter of Opposite Party No.2 and a sum of Rs. 6 lakhs was allegedly given by the side of informant to the petitioners. It has further been alleged that date of marriage was fixed but before 15-20 days of the marriage, the side of the petitioner demanded rupees one lakh and a motorcycle, which the informant failed to fulfill due to poverty and the side of the petitioner No.1 and another refused to solemnize the marriage with the daughter of the Opposite Party No.2, i.e, informant.

Mr. Sanjay Kumar Jha, learned counsel appearing for the petitioners referring to para 7 of this application submits that the petitioners were granted police bail and bond in this respect was executed by the petitioners on 24.02.2018 under Section 41(1) of Cr.P.C.

On the other hand, learned counsel appearing for Opposite Party No.2, Mr. Manoj Kumar Jha, submits that this anticipatory bail application is not maintainable in view of the fact that the petitioners were already granted police bail.

After having heard learned counsel for the parties and taking into consideration the fact that petitioners were granted police bail, this anticipatory bail application is not maintainable inasmuch as this Hon'ble Court in judgment reported in



Mahendra Prasad Singh Vs. State of Bihar reported in 2004 (3) PLJR 491 and 2008 (3) PLJR 253 Ram Bilas Singh Vs. State of Bihar, has held that when the case is initially for non-bailable offences wherein the accused is taken into custody and then is released on bail by the police, an application for anticipatory bail on the ground that he has an apprehension of arrest in the case cannot be held to be maintainable.

Accordingly, the petitioners must honour the terms of police bail and appear before the Court below without any delay and in case, the petitioners appear before the Court below within three weeks, then the Court below shall consider their prayer for bail, 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 allegation of misuse, etc.

With this observation, this application is disposed of.

(Anil Kumar Sinha, J)

sanjeev/-

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

