

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86297 of 2019

Arising Out of PS. Case No.-98 Year-2006 Thana- CHOUTARWA District- West Champaran

1. RAKESH RAM Son of Mangroo Ram Resident of Village-Bahuarwa, P.S-
Chautarwa, District-West Champaran.
2. Shambhu Ram Son of Kanchan Ram Resident of Village-Bahuarwa, P.S-
Chautarwa, District-West Champaran.
3. Mangroo Ram Son of Moti Chand Ram Resident of Village-Bahuarwa, P.S-
Chautarwa, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-02-2020 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Chautarwa Police Station Case No. 98 of 2006, disclosing
offences under Sections 323/304/504/34 of the Indian Penal
Code.

The allegation against the petitioners is that on
04.08.2006, when the informant was sitting at his door, the
petitioners, along with other accused persons, abused him and
the petitioner no. 2 assaulted the son of the informant, who died
on 05.08.2006 in hospital.



Learned Counsel for the petitioners submits that the police, after completion of investigation, submitted charge sheet under Section 304-A and other allied sections of the Indian Penal Code against these petitioners. However, the learned Magistrate differed with the police report and has taken cognizance under Section 304 of the Indian Penal Code and issued summonses to the petitioner on 29.01.2017 and subsequently warrant of arrest has been issued against the petitioners. He further submits that the Police had granted bail to the petitioners on 27.12.2006 itself and the petitioners are at present on police bail.

After having heard learned Counsel for the parties and taking into consideration the law laid down by this Court, in the cases of **Mahendra Prasad Singh v. The State of Bihar**, reported in **2004 (3) PLJR 491** and **Ram Vilas Singh v. The State of Bihar**, reported in **2008 (3) PLJR 253**, this application, for anticipatory bail, is not maintainable inasmuch as this Court has held 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 and petitioner must



honour the terms of police bail and appear before the Court without any delay.

Accordingly, this application is disposed of with the direction that the petitioners shall appear before the Court below within a period of four weeks, 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 allegation of misuse of the same.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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