

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38264 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- MAHILA PS District- Jehanabad

Shekhar Kumar @ Chandrashekhar Kumar, Son Of Late Sitaram Pandit
Resident Of Village- Tehta Mela, Gali No.-3, P.O.- Tehta, P.S.- Makhdumpur,
District - Jehanabad.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 354, 504 of the Indian Penal Code and Section 8 of the POCSO Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 17.11.2020 at 11.30 A.M. when she was sitting alone in her shop when petitioner tried to misbehave with her finding her alone.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that during course of investigation, petitioner was on police bail i.e. was given the benefit of **Section 41(1) of the Cr.P.C.** It is further submitted that petitioner has not misused the privilege of



police bail and the police after investigation have submitted charge-sheet. It is next submitted that since the petitioner was on police bail, the law stands settled by a judgment of this Court in ***Mahendra Prasad Singh Vs. State of Bihar reported in 2004 (3) PLJR 491***, it is next submitted that the said judgment was followed in the case of ***Sheo Chandra Singh Vs. The State of Bihar reported in 2007 (4) BBCJ 66*** and thereafter in ***Jagnarayan Yadav and Ors. Vs. The State of Bihar, reported in 2010 (2) PLJR 684*** wherein this Court has very clearly laid the law that once an accused who is on police bail and charge-sheet comes to be submitted then what steps have to be taken by the learned trial court.

In view of the submissions made by the learned counsel for the petitioner, the present anticipatory bail application is disposed of with a direction to the petitioner to surrender before the learned trial court on or before 19.12.2022 and the learned trial court shall on the same day dispose of the application keeping in mind the law enunciated by this Court as aforesaid.

Accordingly, the anticipatory bail application stands disposed of.

(Satyavrat Verma, J)

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