

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44911 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- CHHATAPUR District- Supaul

1. MD. NIJAM @ MD. NAJAMUDDIN Son of Late Md. Salim Resident of Village - Rajwara, P.S.- Chhatapur, District - Supaul
2. Md. Mojib @ Md. Mojim Son of Late Md. Salim Resident of Village - Rajwara, P.S.- Chhatapur, District - Supaul
3. Salauddin @ Injar Son of Late Md. Salim Resident of Village - Rajwara, P.S.- Chhatapur, District - Supaul
4. Allauddin Son of Late Md. Salim Resident of Village - Rajwara, P.S.- Chhatapur, District - Supaul
5. Md. Islam @ Islam Son of Late Md. Salim Resident of Village - Rajwara, P.S.- Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

Mr. Ranjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 354(B), 427, 436, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is further



submitted that petitioners were on police bail during the period of investigation but the police in a mechanical manner submitted charge-sheet under minor sections including Section 325 of the Indian Penal Code. It is next submitted that since the petitioners were on police bail the law stands settled by a judgment of this Court in the case of *Mahendra Prasad Singh Vs. State of Bihar* reported in *2004(3)PLJR 491*. It is also submitted that the said judgment was followed in the case of *Sheochandra Singh Vs. State of Bihar* reported in *2007(4)BBCJ V-66* and thereafter in the case of *Jagnarayan Yadav @ Babajee and Ors. Vs. State of Bihar* reported in *2010(2)PLJR 684* wherein this Court has very clearly laid down the law that once an accused is on police bail and charge-sheet came to be submitted what steps has to be taken by the learned trial court.

In view of the submissions made by the learned counsel for the petitioners, the present anticipatory bail application is disposed of with a direction to the petitioners to surrender before the learned trial court on or before 11.01.2023 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.

Learned counsel for the petitioners, at this stage,



submits that though the charge-sheet was submitted under Sections 147, 341, 323, 325, 337, 504 and 506 of the Indian Penal Code but the learned trial court differing with the police report took cognizance under Sections 147, 148, 149, 323, 324, 307, 354(B), 427, 436, 504 and 506 of the Indian Penal Code.

The Court was inclined to extend the privilege of anticipatory bail to the petitioners but since they are on police bail, as such, with the aforesaid observation, the anticipatory bail application is being disposed of.

(Satyavrat Verma, J)

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