

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7969 of 2023

Arising Out of PS. Case No.-731 Year-2022 Thana- NAUBATPUR District- Patna

BIJENDRA PASWAN @ VIJENDRA PASWAN S/O LATE BHAGERA
PASWAN Resident of Village- Alipur P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-05-2023 Heard Mr. Sanjay Kumar Singh, learned counsel for the petitioner, Mr. Abhay Kumar Roy, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Naubatpur Police Station Case No. 731 of 2022 dated 07.11.2022 registered for the offences under Sections 341/323 and 354 of the Indian Penal Code.

3. The allegation, as per first informant report, is that the petitioner in an inebriated condition grabbed the informant from behind and when she started shouting, her husband came for her rescue who was assaulted by the petitioner on his head and the informant was also assaulted by him.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner as



alleged and he has been implicated in this case due to village politics. He further submits that the police has already granted bail to the petitioner on his personal bond which was executed by the petitioner on 26.11.2022.

5. Learned counsel appearing for the informant vehemently opposed the prayer for anticipatory of the petitioner and submits that the petitioner tried to outrage the modesty of the informant and also assaulted the husband of the informant due to which he sustained injury on his head and his leg was also broken.

6. 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.

7. Accordingly, this application is disposed of with the direction that the petitioner shall appear before the Court below within a period of five 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 allegations of misuse of the same.

(Anil Kumar Sinha, J)

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