

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26550 of 2023

Arising Out of PS. Case No.-67 Year-2018 Thana- SAHODARA District- West Champaran

PRASHANT KUMAR SHRIVASTAVA @ CHINTU @ SHAILENDRA
KUMAR SHRIVASTAVA Son of Om Prakash Shrivastava @ Tuntun
Shrivastava R/V- Pandey Tola ward no. 23, PS- Shikarpur, Dist- West
champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-07-2023 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.\
2. This application, for grant of anticipatory bail, arises out
of Sahodara Police Station Case No. 67 of 2018, dated
02.09.2018, disclosing offences punishable under
Sections 302/201/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,
is that on 02.09.2018, at about 11-12 AM, the petitioner,
along with co-accused Rajan Pandey, called the son of the
informant, namely, Amit Kumar Gond, from his house
and took him on a motorcycle and when the son of the
informant did not return back till 4 PM, he started making
call to the accused persons on their mobile phones, but



the same was not picked up and in the night, at about 8 PM, the informant received information that the police has admitted the son of the informant for his treatment in Narkatiaganj Hospital in injured condition and when the informant reached the hospital, he found his son dead.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He further submit that the police, after investigation, found that the informant's son has died due to a road accident and has submitted charge sheet on 10.09.2020, under Sections 275 and 304-A of the Indian Penal Code against the petitioner and others.
5. Learned Counsel for the petitioner further submits that taking into account the above fact, the Police has granted bail to the petitioner and the petitioner is at present on police bail.
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 learned District Court within a period of four weeks from today, 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.)

Prabhakar Anand/-

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