

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39328 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Deepak Ram Son of Late Dhanesh Ram, R/o Village - Nalband Toly, Ward
No.- 8, Daudnagar, P.S.- Daudnagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Adv.
	:	Mr. Rajesh Kumar, Adv.
For the Opposite Party/s	:	Mrs. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-07-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Daudnagar P.S. Case No. 315 of 2022 dated 11.06.2022, lodged
under Sections 302/34 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that the
present F.I.R. has been lodged under Section 302/34 of the
Indian Penal Code against one named and four unknown
accused persons. He further submits that name of petitioner is
not figured in the F.I.R. but during investigation, the Police has
arrested the petitioner and brought before the court for remand.



The Court of S.D.J.M., Daudnagar has refused the remand of petitioner and granted bail to him. He further submits that upon completion of investigation charge sheet has been submitted under Section 304A/34 of the Indian Penal Code. Learned counsel submits that upon filing of the charge sheet under Section 304A/34 of the Indian Penal Code the trial court disagree and taken cognizance under Section 302/34 of the Indian Penal Code and on this ground that charge sheet has been filed under Section 304A/34 his bail bond was cancelled and he was taken into custody. Cognizance was taken under Section 302/34 of the Indian Penal Code and on the application for arresting the petitioner, the bail bond of petitioner was cancelled and he was arrested. It is the basic argument of learned counsel for the petitioner that since the petitioner was earlier granted bail and bail bond was granted to him then the criminal jurisprudence is very clear that once bail always bail.

5. Learned counsel for the State supports this basic philosophy of criminal law that once bail has been granted to accused even though section has been changed, his bail shall continue particularly when he has not misused the condition of bail.

6. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 315 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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