

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41689 of 2023

Arising Out of PS. Case No.-135 Year-2018 Thana- PAKRIDAYAL District- East Champaran

Ramjee Sah Son Of Banarsi Sah Resident Of Village- Sundarpatti, Ps-
Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-09-2023 Heard Mr. Ajay Kumar Singh, learned Advocate

for the petitioner and Mr. Ram Priya Sharan Singh for

the State.

2. The petitioner had come up before this Court
vide Cr. Misc. No. 79872 of 2018 seeking anticipatory
bail for offences under Sections 147, 148, 149, 341,
323, 324 and 307 of the IPC and Section 27 of the
Arms Act in connection with Pakridayal P.S. Case No.
135 of 2018 dated 19.07.2018.

3. The prayer of the petitioner was rejected
vide order dated 16.01.2019 but with an observation
that if he surrendered before the court below within a



period of four weeks and would seek regular bail, the court below shall look into all aspects of the matter including the rival claim over the plot of land and also taking into account that only simple injury was suffered by the father of the informant on a non-vital portion of his body and the court below shall pass orders in accordance with law on its own merits.

4. Pursuant to the aforementioned observation, the petitioner surrendered before the court below and sought bail. The petitioner was granted bail but only till the submission of charge sheet. After that, charge sheet was submitted whereafter the petitioner again preferred an application for anticipatory bail before the court below *vide* ABP No. 728 of 2023 which has been rejected *vide* order 17.03.2023.

5. Once the petitioner was granted regular bail, no further anticipatory bail petition would be maintainable.

6. To that extent, the order impugned deserves



no interference.

7. However, looking at the fact of the case, this Court observes that if the petitioner surrenders before the court below the court below now and prays for bail, the court shall take into account the fact that though charge sheet against him has been submitted but the fact remains that he did not misuse the privilege of bail all this while and that only simple injury was caused to the father of the informant.

8. The court below shall take into account the aforeoned facts and pass a reasoned order in accordance with law.

9. The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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