

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48171 of 2023

Arising Out of PS. Case No.-54 Year-2021 Thana- SRINAGAR District- West Champaran

Reyazuddin Khan @ Sheikh Reyazuddin @ Reyazuddin Sheikh, Son of Sattar
Shekh, Resident of Pujaha, Patjirwa, P.S. - Srinagar, Distt. - West Champaran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Srinagar P.S. Case No. 54 of 2021, registered for the
offences punishable under Sections 341, 323, 324, 447, 379,
354, 504 and 506/34 of the Indian Penal Code.

3. At the outset, learned counsel appearing on behalf
of the petitioner submits that considering the fact that the police
after investigation submitted charge-sheet only under Sections
341, 323, 324 and 504 of the Indian Penal Code, the petitioner
was allowed police bail. However, as the learned jurisdictional
Court differing with the charge-sheet has taken cognizance of
the offence under Section 308 of the Indian Penal Code, besides
the other offences as narrated in the charge-sheet, the
apprehension of arrest has arisen. So far the merit of the case is



concerned, he submits that the only allegation against the petitioner is that he along with others have assaulted the informant's husband over his palm resulting into grievous injury. However, the allegation and the corresponding injury is not suffice to constitute an offences under Section 308 of the Indian Penal Code. He next submits that the petitioner was all along on police bail and he has never misused the privilege of the aforesaid bail.

4. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner was all along on a police bail and, as such, the application be disposed of in terms of the order passed by this Court in the case of **Mahendra Prasad Singh Vs. The State of Bihar** reported in **2004 (3) PLJR 491**.

5. In view of the submissions made on behalf of the parties, the present application stands disposed of with a direction to the petitioner to surrender before the Court below and prefer regular bail which shall be considered and disposed of in the light of the observation made by this Court in the case of **Mahendra Prasad Singh Vs. The State of Bihar** reported in **2004 (3) PLJR 491**.

(Harish Kumar, J)

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