

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47586 of 2023

Arising Out of PS. Case No.-525 Year-2022 Thana- FATEHPUR District- Gaya

1. Lalit Yadav Son Of Mathura Yadav R/O Vill. Khadhara, Ps- Fatehpur, Dist- Gaya
2. Pintu Yadav Son Of Lalit Yadav R/O Vill. Khadhara, Ps- Fatehpur, Dist- Gaya
3. Manoj Yadav @ Manoj Kumar Son Of Lalit Yadav R/O Vill. Khadhara, Ps- Fatehpur, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. This application has been filed seeking pre-arrest bail in connection with Fatehpur P.S. Case No.525 of 2022 registered for the offences punishable under Sections 341, 323, 308, 379 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners had moved in the court of learned Sessions Judge, Gaya in ABP No.3119 of 2022 but the said petition was withdrawn by learned counsel representing the petitioners in the District Court perhaps under a wrong notion that once the



petitioners were on police bail, they cannot maintain an anticipatory bail application even as they have been charge-sheeted under non-bailable Sections.

4. Learned counsel submits that while allowing the petitioners to withdraw the anticipatory bail petition, the learned Sessions Judge has observed that the petitioners are permitted to withdraw subject to the condition that now they will not file any anticipatory bail petition in future. It is submitted that in the facts of the present case, this Court may permit the petitioners to move fresh anticipatory bail application in the court of learned Sessions Judge, Gaya which should be considered on its own merit.

5. Learned APP for the State does not oppose the submission of the petitioners.

6. In the given facts and circumstance, this Court finds substance in the submission of learned counsel for the petitioners. Since the petitioners have now been charge-sheeted under non-bailable Sections, they may seek their remedy in the court of learned Sessions Judge, Gaya by filing fresh anticipatory bail application. If any such application is filed, the same is to be considered on its own merit without being prejudiced by the impugned order.



7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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