

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55041 of 2023**

Arising Out of PS. Case No.-434 Year-2022 Thana- CHANPATIA District- West Champaran

SANTOSH SAH @ SANTOSH KUMAR S/O RAMKSHATRI SAH R/O  
VILLAGE- SHEMBHUAPUR, P.S- CHANPATIYA, DISTT.- WEST  
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      30-08-2023                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises  
out of Chanpatiya Rail Police Station Case No. 434 of 2022,  
disclosing                      offences                      under                      Sections  
147/148/149/341/323/324/307/354/379/504/506 of the Indian  
Penal Code.

The prosecution case, as per the First Information  
Report, is that while the informant was sitting at her door, the  
petitioner, along with other accused persons, arrived at her  
house and started abusing her and upon objection, the petitioner  
along with other accused persons assaulted her. When the  
informant's son and cousin came to the rescue, the informant's



son was assaulted by co-accused Dilkhush Kumar by means of knife on the hand and informant's cousin was assaulted by the petitioner by means of farsa on his head, due to which they sustained injury.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to previous enmity and ulterior motive on the account of village politics.

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.

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.

Accordingly, this application is disposed of with the direction that the petitioner shall appear before the Court below within a period of five weeks, 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)**

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