

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56079 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- CHAUTHAM District- Khagaria

1. BRIJNANDAN SINGH S/o Late Sakaldeo Singh @ Sakaldev Singh
Resident of village- Bharpura, Police Station- Chautham, District- Khagaria
2. RAM SEWAK SINGH S/o Late Yugal Singh Resident of village- Bharpura,
Police Station- Chautham, District- Khagaria
3. RANJANA DEVI W/o Brijnandan Singh Resident of village- Bharpura,
Police Station- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioner apprehend their arrest in connection
with Choutham P.S. Case No. 06 of 2022 instituted under
Sections 341, 323, 448, 354, 379, 504, 506/34 of the IPC.

As per the prosecution story, the informant alleged
that Ranjana Devi (Petitioner No. 3) was a candidate of
‘Sarpanch’ from Gram Panchayat, Dhutauli in which the
informant, her ‘gotni’ was Proposer but later she withdrew
herself from the said election which Ranjana Devi lost.
Accordingly, infuriated, when the occasion came, they



assaulted, causing injuries.

Learned counsel for the petitioners provided the document to show that all along, they were on police bail which was never misused by them.

Let the same be kept on record.

Learned APP submits that when they were on police bail, they will have to move before the concerned court and seek bail in view of the Mahendra Prasad Singh Versus State of Bihar order.

In Mahendra Prasad Singh Versus State of Bihar reported in 2004 (3) PLJR 491, a coordinate bench of this Court held as follows :-

“4. On considering the relevant provision in the Code of Criminal Procedures, this Court is of the opinion that had the FIR been only for bailable offences and had the petitioner been granted benefit of bail by the police for bailable offences only under the provisions of Section 436 of the Cr.P.C. the matter could have stood on different footing. On account of offence being treated as non-bailable at the later



stage due to subsequent developments, may be an application for anticipatory bail could have been found maintainable. However, in the present case which is falling for consideration this Court is of the view 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.

5. In the facts of the case, petitioner must honour the terms of police bail and appear before the Court without any delay. In case, petitioner appears before the Court below within six weeks then 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 etc. With this observation this application for anticipatory bail is disposed of.”

Thus, the petitioners will have to move before the concerned Court to seek relief.

If the petitioners move before the concerned Court within four weeks from today, it will take into account the fact that they do not have criminal antecedent, the injuries have been found to be simple in nature, they were all along on police bail and would decide the same on its own merit preferably on the same day.

The anticipatory bail application stands disposed of.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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