

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62289 of 2024

Arising Out of PS. Case No.-261 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Rajeev Sahani @ Rajeev Kumar S/o-Late Shashi Bhushan Sahani Village-Haibatpur PS- Muffasil Dist- Begusarai
 2. Sanjeev Sahani @ Sanjeev Kumar S/o- Late Shashi Bhushan Sahani Village-Haibatpur PS- Muffasil Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Muffasil Police Station Case No. 261 of 2020, disclosing offences under Sections 341, 323, 324, 354, 504, 452, 506, 308/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 29.05.2020 at about 13:45 hours, when the informant was sitting inside her house, the F.I.R. named accused persons came inside and started abusing her. When the informant protested, on the order of petitioner no. 2, co-accused Rijo Miyan caught the informant and petitioner no. 2 intimidate



the informant that if she raised alarm, she would be killed. It is further alleged that petitioner no. 1 assaulted the informant with spade, due to which, she sustained injuries on her right wrist, left wrist and head.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and they have been made accused with an ulterior motive in order to harass them. Learned counsel further submits that from the impugned order itself, it is apparent that the petitioners are on police bail.

5. 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**, it appears that 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 petitioners were taken into custody and then released on bail by the police, an application for anticipatory bail on the ground that they have an apprehension of arrest in the same case cannot be held to be maintainable and petitioners must honour the terms of police bail and appear before the Court without any delay.



6. Accordingly, the present application is disposed off with the direction that in case, the petitioners appear before the Court below within a period of five weeks, the Court below shall consider their 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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