

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71820 of 2024

Arising Out of PS. Case No.-86 Year-2020 Thana- BAUNSI District- Araria

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1. Birjanand Paswan Son of Late Sadhu Paswan R/o Village- Rehuwa, P.S.- Bounsi, District- Araria
 2. Indrajit Paswan Son of Birjanand Paswan R/o Village- Rehuwa, P.S.- Bounsi, District- Araria
 3. Indal Paswan @ Sushil Paswan @ Indral Paswan Son of Birjanand Paswan R/o Village- Rehuwa, P.S.- Bounsi, District- Araria
 4. Bundel Paswan Son of Birjanand Paswan R/o Village- Rehuwa, P.S.- Bounsi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-10-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Bounsi P.S. Case No. 86 of 2020 dated 12.07.2020 registered under Sections 341 / 323 / 324 / 354 / 379 / 504 / 506 / 34 of the I.P.C.

3. As per the First Information Report the petitioner nos. 1 & 2 assaulted the informant with sharp edged “Khanti” on his head whereas, the petitioner nos. 3 & 4 assaulted the father of the informant with an iron rod.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and they have



not committed any offence in the manner alleged. He submits that for the same incident the petitioner no. 1 has lodged Bounsi P.S. No. 87 of 2020 in which the informant of the present case is an accused. He next submits that the parties are having land dispute between them and Mutation Appeal No. 20 of 2020 is pending before the DCLR, Araria. The petitioners were 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 case of Mahendra Prasad Singh versus The State of Bihar reported in 2004(3) PLJR 491 and Ram Vilas Singh versus 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 allegation of misuse of the same.

(Anil Kumar Sinha, J)

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