

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7222 of 2024

Arising Out of PS. Case No.-111 Year-2019 Thana- PAROO District- Muzaffarpur

1. Sudhanshu Kumar Singh @ Sudhanshu Singh Son of Late Chandrika Singh R/o vill - Kataroo, P.s. - Paroo, Distt. - Muzaffarpur
2. Sumit Kumar @ Golu Son of Sudhanshu Kumar Singh @ Sudhanshu Singh R/o vill - Kataroo, P.s. - Paroo, Distt. - Muzaffarpur
3. Saurabh Kumar @ Bhola @ Bholu @ Saurabh Son of Sudhanshu Kumar Singh @ Sudhanshu Singh R/o vill - Kataroo, P.s. - Paroo, Distt. - Muzaffarpur
4. Ragini Devi W/o Sudhanshu Kumar Singh @ Sudhanshu Singh R/o vill - Kataroo, P.s. - Paroo, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad
For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-02-2024
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State and learned counsel appearing on behalf of the informant.
 2. This application, for grant of anticipatory bail, arises out of Paroo Rail Police Station Case No. 111 of 2019, dated 19.03.2019, disclosing offences under Sections 341/323/324/325/307/379/504/506 of the Indian Penal Code.
 3. The allegation against the petitioners is that the petitioner



no. 1 took tea leaf on credit from informant's husband, who is a tea leaf businessman. On 16.03.2019, the petitioner no. 1 again went to the house of the informant's husband and asked tea leaf on credit, upon which he expressed unwillingness due to non-payment of previous dues. Annoyed with the same, the petitioner no. 1, alongwith petitioner nos. 2,3 and 4, reached the house of the informant armed with lathi and farsa and assaulted the informant and her husband due to which they sustained injuries.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics. He further submits that both the parties are next door neighbours and there is case and counter case between them. He next submits that injury caused to the informant's husband on left side of scalp is simple in nature and injuries caused on left knee and ankle are grievous in nature which are non-vital parts of the body.
5. Learned Counsel for the petitioners further submits that taking into account the above fact, the Police has granted bail to the petitioner nos. 1 and 2 and they are at present



on police bail.

6. Learned counsel for the informant vehemently opposes the prayer for anticipatory bail to the petitioners.
7. 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, on behalf of the petitioner nos. 1 and 2 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 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.
8. Accordingly, the petitioner nos. 1 and 2 are directed to appear before the Court below within a period of four 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.

9. In so far as prayer for anticipatory bail of petitioner nos. 3 and 4 is concerned, taking into consideration the fact that both the parties are neighbours, there is case and counter case and the petitioner no. 4 is a lady, accordingly, I am inclined to grant the privilege of anticipatory bail to the petitioner nos. 3 and 4.
10. Let the petitioner nos. 3 and 4, Saurabh Kumar @ Bhola @ Bholu @ Saurabh and Ragini Devi, respectively, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, (West) Court No. 2, Muzaffarpur, in connection with Paroo Police Station Case No. 111 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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