

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36055 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- KEWATI District- Darbhanga

1. Ranjit Kumar Yadav @ Ranjeet Yadav @ Raneet Kumar Yadav @ Ranjeet Kumar Yadav S/o Satya Narayan Yadav R/o Village- Dhobigama, P.S.- Keoti, District- Darbhanga
2. Kalpana Devi W/o Ranjeet Yadav @ Ranjeet Kumar Yadav @ Ranjit Kumar Yadav @ Raneet Kumar Yadav R/o Village- Dhobigama, P.S.- Keoti, District- Darbhanga
3. Satya Narayan Yadav S/o Late Jiwachh Yadav R/o Village- Dhobigama, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-07-2025

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for grant of anticipatory bail apprehending their arrest in connection with Keoti P.S.Case no. 156 of 2024 registered for the offence punishable under sections 307, 341, 323, 324 and 34 of the Indian Penal Code.

3. As per the prosecution case, the accused persons are said to have come armed with axe, *tengari* etc. and of having assaulted the mother and wife of the informant. As a result of the assault the injured persons were taken to the Primary Health Center for treatment.



4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. There is case and counter case between the parties. With respect to the question of maintainability of an application for anticipatory bail as dealt with by the learned Court below in the order rejecting their prayer for bail, learned counsel for the petitioners submits that though it is true that the petitioners were granted police bail, however, subsequently chargesheet has been submitted against the petitioners and cognizance taken also under section 307/34 of the Indian Penal Code. As such relying upon the judgment of this Court in the case of *Mahendra Prasad Singh versus the State of Bihar; 2004(3)PLJR 491* learned counsel for the petitioners submits that the application for anticipatory bail is maintainable and the same be decided on its own merits. The petitioners have no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the materials on record, it transpires that the petitioners were granted police bail during pendency of the investigation. Subsequently, chargesheet was submitted and cognizance was taken by the learned Court below. With respect to the ratio of the judgment in the case of *Mahendra Prasad*



Singh (supra) relied on by the learned counsel for the petitioners, it has been held therein that as the case initially was registered and the petitioner taken into custody for a non-bailable offence 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. The facts of the instant case are similar to the one relied upon by the learned counsel for the petitioner. Herein also the petitioners were taken into custody for offences besides other sections also under section 324 of the Indian Penal Code which is a non-bailable offence and thereafter the petitioners were enlarged on bail. Thus applying the ratio of the judgment in the case of *Mahendra Prasad Singh* (supra), the instant application for anticipatory bail will not be maintainable.

6. The application is dismissed.

7. In case the petitioners surrender before the learned Court below within a period of four weeks from today and pray for regular bail, the same shall be considered taking into consideration all the points raised by the petitioners without being prejudiced of this order of rejection.

(Partha Sarthy, J)

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