

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53458 of 2025

Arising Out of PS. Case No.-108 Year-2021 Thana- LODIPUR District- Bhagalpur

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Pawan Yadav, S/o Mahesh Yadav, R/o Village - Basantpur, P.S. - Lodipur,
District – Bhagalpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Lodipur P.S. Case No. 108 of 2021 registered for the offences punishable under Sections 341, 323, 307 & 34 of the Indian Penal Code and $\frac{3}{4}$ of Explosive Substance Act and Section 27 of the Arms Act.

3. Considering the submission of learned counsel that the petitioner was on police bail during investigation but as charge sheet was submitted under non-bailable offence, he has apprehension that on surrender he might be taken into judicial custody.

4. Let be so, if once petitioner was released on bail by the police, the prayer of anticipatory bail is not maintainable.



5. However, learned trial court is directed to consider the prayer of bail of the petitioner on his surrender within six weeks, as of now keeping in view of the well established principles that a person who is already on bail shall not be denied privilege unless there is any allegation of misuse etc.

6. With aforesaid observations, the present anticipatory bail stands disposed of.

(Chandra Shekhar Jha, J)

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