

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56081 of 2025**

Arising Out of PS. Case No.-52 Year-2023 Thana- ASANWA District- Siwan

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1. Anju Devi W/O Jai Singh
  2. Avinash Kumar Singh @ Abhinash @ Avinash Singh S/O Jai Singh
  3. Adarsh Singh @ Aadarsh Kumar Singh @ Monku S/O Jai Singh
- All petitioner nos.1 to 3 are the residents of Village- Pachbeniya, P.S- Assaon, District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                                                                                                                |
|----------------------|---|--------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ranjeet Kumar, Advocate<br>Mr. Kanishk Kaustubh, Advocate<br>Ms. Lakshmi Kumari, Advocate<br>Mr. Rajnish Prakash, Advocate |
| For the State        | : | Mr. Rajendra Prasad Nat, APP                                                                                                   |
| For the Informant    | : | Mr. Bijay Prakash Singh, Advocate                                                                                              |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      30-08-2025

1. Heard learned counsel for the parties.

2. The instant application has been filed by the petitioners praying for grant of anticipatory bail in connection with Assaon P.S. Case no.52 of 2023 registered under sections 341, 323, 448, 379, 504, 506 and 34 of the Indian Penal Code.

3. Bereft of unnecessary details, it is submitted by learned counsel for the petitioners that vide order dated 24.5.2023 (Annexure-P/3), the three petitioners were granted regular bail. Subsequently, chargesheet came to be submitted on 2.7.2023, besides other sections also under section 307 of the



Indian Penal Code and cognizance has also been taken on 1.8.2023 under section 307 and other sections of the Indian Penal Code. Learned counsel for the petitioners further submits that it appears that under erroneous advice, the petitioners moved the learned Court below for anticipatory bail which was rejected as not maintainable. Learned counsel for the petitioners relying on the judgment in the case of ***Mahendra Prasad Singh vs. The State of Bihar, 2004(3) PLJR 491*** submits that it has been held therein that once the petitioner who was taken into custody and enlarged on regular bail, the subsequent application for anticipatory bail on the ground of apprehension of arrest would not be maintainable. It was further held in paragraph no.5 therein that in case the petitioner appears before the Court, the Court below shall consider his 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 etc. Learned counsel for the petitioners submits that the instant application be disposed of with a direction to the petitioners to surrender within a reasonable time and to the learned Court below to consider their application for regular bail in light of the said judgment.

4. The application for bail is opposed by learned



A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioners having surrendered on earlier occasion and having been enlarged on bail vide order dated 24.5.2023, the application for anticipatory bail in the learned Court below as also in the present Court is not maintainable. It is further submitted on merits that so far as the injury of Gulabo Devi is concerned, the same is said to be grievous in nature. It is thus prayed that the instant application be dismissed as not maintainable.

5. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, there being no doubt that the petitioners were enlarged on regular bail vide order dated 24.5.2023 (Annexure-P/3) and subsequently chargesheet as also cognizance having been taken besides other sections also under section 307 of the Indian Penal Code, it would be relevant to take note of paragraph no.5 in the case of ***Mahendra Prasad Singh (supra)***, which is reproduced herein below for ready reference:

*“In the facts of the case, petitioner must honour the terms of police bail and appear before the Court without any delay. In case, petitioner appears before the Court below within six weeks then the Court below shall consider his 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 etc. With this observation this application for anticipatory bail is disposed of.”*

6. As in the above case, the instant application stands disposed of as not maintainable with a direction to the three petitioners to surrender in the learned Court below within a period of three weeks from today. On their so surrendering, their application for regular bail shall be considered in the light of the law laid down in the case of ***Mahendra Prasad Singh (supra)***.

7. The application stands disposed of.

**(Partha Sarthy, J)**

Saurabh/-

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