

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61169 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- TARIYANI CHOWK District- Sheohar

1. Mukesh Singh @ Mukesh Kumar Singh S/o Late Devnarayan Singh R/o Village - Sharvarpur / Pojhiyan, P.S - Tariyani, District - Sheohar
2. Sunil Singh @ Sunil Kumar Singh S/o Late Devnarayan Singh R/o Village - Pojhiyan, P.S - Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra Ojha

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-09-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Tariyani Police Station Case No. 121 of 2025, disclosing offences under Sections 127(2)/126(2)//115 (2)/118(1)/316(2)/318(4)/74/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that the informant paid a sum of Rs. 8,80,000/- to the petitioner no. 1 between the years 2016 to 2022 for purchase of a piece of land. When the informant told the petitioners to execute a sale deed in her favour, they dilly



dally the matter and did not execute the sale deed. It has further been alleged that on 02.06.2025, the petitioners flatly refused to execute the sale deed and they took the informant long with them, confined her in a room and when the husband of the informant intervened, the petitioner no. 2 took out a knife and stabbed several times upon the husband of the informant.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that from the impugned order, it would be evident that the doctor has not found any visible injury on the person of the husband of the informant. He further submits that taking into account the above fact, the Police has granted bail to the petitioners and the petitioners are at present 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 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, is not maintainable inasmuch as this Court has held that since



the case was initially for non-bailable offences wherein the petitioner was taken into custody 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 and petitioner must honour the terms of police bail and appear before the Court without any delay.

6. Accordingly, this application is disposed with the direction that the petitioners shall appear before the Court below within a period of five weeks and 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

