

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70136 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- JAMALPUR District- Munger

1. Md. Noor Hassan @ Noor Hassan S/o Late Abdul Hassan R/o - New Colony, Walipur, P.S - Jamalpur, District - Munger
2. Aaliyan Hassan S/o Md. Noor Hassan @ Noor Hassan R/o - New Colony, Walipur, P.S - Jamalpur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2025 Heard learned senior counsel appearing on behalf of the petitioners and learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 316(2), 318(4), 351(2), 351(3) and 3(5) of the B.N.S..

3. At the outset, learned A.P.P. for the State submits that from bare perusal of Paragraph No. 11 of the bail petition it is apparent that the police has given benefit of section 41(1) of the Code of Criminal Procedure to the petitioners and there is no apprehension of their arrest.

4. From bare perusal of the bail petition it is clear that



petitioners are already on police bail under section 41(1) of the Code of Criminal Procedure. This Court, in case of **Mahendra Prasad Singh Vs. State of Bihar**, reported in **2004 (3) P.L.J.R. 491** has held that once accused persons are granted privilege of police bail, they must honour the terms of police bail. Upon surrendering, petitioners are entitled to apply for bail, and the court is instructed to consider this application in alignment with the principle established in the cited case.

5. In view of the observation of this Court made in the aforesaid case, petitioners are directed to surrender before the Court below within a period of eight weeks from today. In case, petitioners surrender and file an application for bail, the concerned Court will pass order in the similar manner as has been decided in the case of **Mahendra Prasad Singh (Supra)**.

6. With the above directions/observations, this application is disposed of.

(Prabhat Kumar Singh, J)

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