

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4898 of 2026

Arising Out of PS. Case No.-76 Year-2012 Thana- ALAMNAGAR District- Madhepura

1. Chhahku Sharma Son of Soman Sharma Resident of village - Forsahi, P.S.- Alamnagar, District - Madhepura.
2. Mangal Sharma Son of Chhahku Sharma Resident of village - Forsahi, P.S.- Alamnagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-02-2026 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Alamnagar P.S. Case No.76 of 2012 lodged on 24.06.2012, for the offences punishable under Sections 447, 341, 323, 504 & 34 of the IPC, pending before the Court of J.M.-1st Class, Udakishunganj, Madhepura.

3. As per the prosecution, FIR has been lodged against the petitioners with allegation that there is apprehension of breach of peace.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He



submits that the petitioners have preferred regular bail application before the C.J.M., Madhepura on 16.07.2012 and the C.J.M., Madhepura allowed bail to the petitioners on the same day. He further submits that after completion of the investigation, charge-sheet has been filed under section 307 of the IPC and cognizance has also been taken on the same section. It is not clear either from the record or to the counsel that once regular bail has been granted and they had surrendered, thereafter the Court below took cognizance dated 16.08.2012, why petitioners have not secured their appearance before the Trial Court. Neither it is pleaded in the petition nor any information is available to the petitioners.

5. Counsel submits that the criminal antecedent of the petitioners is clean.

6. Learned APP for the State opposes the prayer for bail.

7. This Court is very much surprised that once bail has been granted to the petitioners on 16.07.2012 and cognizance has been taken on 16.08.2012, thereafter they ought to file an application before the Original Court securing his presence, but inspite thereof, they have moved for anticipatory bail again before this Court. On the basis of the documents and



information available on record, it transpires to this Court that once the petitioners have been granted regular bail, then the anticipatory bail is not maintainable.

8. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners, therefore the bail application of the petitioners is hereby rejected.

(Dr. Anshuman, J)

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